

THE
CASE of SEDUCTION:

BEING,

An Account of the late Proceedings at
Paris, as well *Ecclesiastical* as *Civil*,

AGAINST

The REVEREND Abbée,
Claudius Nicholas des Rues,

FOR

Committing RAPES upon 133 VIRGINS.

CONTAINING

- I. The *Canon* and *Civil-Law* relating to the
two Kinds of RAPES. First, *The Rape of Violence*.
Secondly, *The Rape of Seduction*: With the Op-
inions of the Doctors thereupon.
- II. The several *Depositions* exhibited against *Monsieur DES RUES*: And his Defence.

TRANSLATED from the FRENCH Original

By MR. ROGERS.

L O N D O N :

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THE
CASE of SEDUCTION:

BEING
An Account of the late Proceedings at
Paris, as well Enlighten'd as Curious.

AGAINST
The Reverend Abbot,

CHANCELLOR of the University of Paris,

COUNTESS of the University of Paris,
MUSEUM
BRITAN
NICUM

I. The Canon and Curia in relation to the
secondly, The case of seduction, in the
notions of the Doctors themselves.
II. The several Decrees exhibited against the
said Abbot: And his Defence.

Translated from the French Original
By Mr. ROGER.

L O N D O N
Printed for B. Coote, over against St. Dunstons Church, in Fleet Street.



THE
English BOOKSELLER
TO THE
READER.

No longer now like Suppliants we come,

A Book makes War, the Seller is the Drum. †

I HO' I may safely say with a
late learned Prelate, upon
another Occasion, * That
"when I printed the Transla-
"tion of Meibomius's La-
"tin Treatise, De usu Flagrorum, in
"Re Medica & Venerea, Lumborum-
"que & Renum Officio, I never ima-
A 2 gined

† Congreve.

* The Bishop of Chester's CASE.

“ gined that I should have been engaged
 “ in any Controversy with the Crown
 “ about it.” Because I thought the Gentleman, whose Performance it was, had sufficiently Apologized for his Undertaking. But, since, after a Period of above seven Years, my Superiours (to whom during Life I will ever pay such a Deference as becomes me) have thought otherwise, I am fully convinced of my Error; and having complied with the Terms of the Church in publicly declaring both my Repentance and Resolution of Amendment, I hope therefore this Act of Contrition will appease the Resentment of my Prosecutors.

THE other Book, for which a Prosecution was likewise commenced against me, intitled, *Venus in the Cloister: Or, the Nun in her SMOCK*, is a Translation from the French, not bearing my Name; but published last Summer among the common Herd of Novels, of which I sold one to an INFORMER, as any other Bookseller might have done. — *Hinc illæ Lacrymæ.*

AND

AND now tho' I am sensible that a Re-
 crimination of the Faults of others will not
 in any Degree alleviate my own; yet since
 the Mores Hominum are to be healed
 through my Wounds, I will in a short
 Time draw up such a Representation of
 Immorality and Profaneness, every Day
 vended with Impunity, as would be thought
 incredible were I not to produce Vouchers
 for what I assert, which I shall take Care
 to do against every Charge I make.

BUT before this Time, methinks I
 hear the courteous Reader cry out, what
 has the English Bookseller's Apology to
 do with the Case of a French Abbée?
 How are they to be connected? Why,
 thus Gentlemen, Ovid answers for me,

Solamen miseris socios habuisse dolores!

BESIDES, my Friends express some
 Concern, lest this FACTUM for Abbée des
 Rues, and the Revival of MARVELL's
 Works, should heap more Coals of Fire
 upon my Head, if so, some future Fox
 must enroll me in the List of those Martyrs,

whom QUEVEDO has doomed to suffer for the Sins of other Men. As to the Principles of MARVELL I will avow them while I have any Being; nay, I freely declare, that I have as great a Confidence in his Doctrines as any MØYERIST * can have for those of an ATHANASIUS of Alexandria; nay, I had much rather be Excommunicated with a Tillotson, a Locke, a Clarke, or a Hoadley, than be canonized with a Loyola, a Becket, a Bonner, or a Garnet.

AND as to the Abbée des Rues, I here voluntarily deliver him up to all Patrons of good Sense, Wit, and Learning; as he was transmitted to me with the following Testimonial which accompanied the original Memoire.

Strand, 6th Decem-
ber 1725.

E. Curll.

* A Sect who derive themselves from an old Woman who left a Legacy for the Augmentation of Mystery-Mongers.

S I R,



Paris, Nov. 16th N. S. 1725.

S I R,

UPON visiting an unfortunate Friend in the Grand Chatelet, I there found as agreeable, witty, tho' profligate Fellow, as one would wish to meet with; but in his Company a Wretch of as much Dulness and Beastiality as one would wish to avoid. This opposite Pair proved to be Wolves in Sheeps cloathing. They were habited, like secular Priests, in short Cloaks and Bands. Their Appearance greatly excited my Curiosity to enquire of my Friend the Cause of their Confinement. He told me that was a Prison for Criminals as well as Debtors; these Gentlemen, added he, will themselves acquaint you with the Cause of their Committment, then pointing to the former, and presenting me to him, at the same Time, Sir, says the Abbée

Abbée des Rues (for that was his Name)

“ I doubt not but you are surprized to
 “ find any of our Cloth resident in
 “ this Place. In order, therefore, to
 “ give you some Light into our Case,
 “ as well as to prevent the Scandal
 “ you may otherwise hear of us, be
 “ pleased to know, that this worthy
 “ Gentleman has long been my Confidant
 “ and Fellow-Labourer in all my
 “ Ecclesiastical Functions, and in some
 “ of my pleasurable Operations: For,
 “ I freely own to you, that we have
 “ now and then diverted our selves after
 “ the *Way of the World*, and in
 “ those peculiar and important Affairs
 “ he has always been very faithful to
 “ your humble Servant. But through
 “ his want of Conduct (for he is a
 “ stupid Animal, and if it be possible,
 “ a greater Dolt than he appears to
 “ be) some few of our Adventures
 “ came to be publickly talked of, upon
 “ which we were instantly apprehended,
 “ and a Complaint exhibited
 “ against us in the *Ecclesiastical-*
 “ *Court.*

“ Court.) A Committee of Gentle-
 “ men, much better Divines than Ci-
 “ vilians, were appointed to draw
 “ up *Articles* against us, and so plenti-
 “ fully were they supplied with *Infor-*
 “ *mations*, that at last they knew not
 “ how to apply them. The Sum of
 “ our Charge amounted to the *Sedu-*
 “ *cing*, or endeavouring to *Seduce*, no
 “ less than one hundred thirty and
 “ three Virgins, which was making
 “ me, in particular, a very useful Mem-
 “ ber of the *State*, whatever I may
 “ prove to the *Church*; and, tho’ the
 “ *Means* might be wrong, the *End* cer-
 “ tainly was right according to the
 “ *Injunction*——*Increase and Multiply*.
 “ The Committee took many Depositions
 “ to support their intended Charge
 “ against us; and among the Rest a
 “ very pretty sanctified Piece of *Nun’s*
 “ *Flesh*, instead of her Face, *veiled* her
 “ Accusation against me in military
 “ Terms, deposing, that, upon my
 “ enquiring for her at the *Turn*, the
 “ old Lady whose Office it was, con-
 “ ducting

" ducting me to a Parlour, I attack-
 " ed her *L' Epee a la main*, Sword
 " in Hand. There were many more
 " whimsical Passages among the De-
 " positions, which Time will not at
 " present permit me to recount, being
 " in a few Hours to appear before my
 " Judges ; nor indeed would it be to
 " any Purpose to trouble you, Sir,
 " with a Repetition of them, since
 " the Wisdom of the *Official* has deli-
 " vered me over to the *secular Power*
 " for two Instances of SEDUCTION
 " only ; and in my Opinion, says
 " he, in this MEMOIRE, || I have
 " fully refuted the Evidences against
 " me, and cleared my self from the *vile*
 " *Aspersions* charged upon me. I could
 " have gone farther had I thought it
 " consistent with my Safety." Upon
 " this, he took his Leave and made me a

|| The French Original is intituled, Memoire, pour
 Claude Nicolas des Rues de Boudreville, Diacre de ce
 Diocese, Licentie en Theologie de la Faculte de
 Paris, et Prieur Commandataire de Saint Clement
 des Prez. Folio.

Present

Present of his CASE, which is not to be purchased here for any Sum of Money, and of which, he only printed a few Copies to present to Persons of Distinction, hoping thereby to procure his Enlargement, he being still kept a close Prisoner. For you are to know that the Crime of SEDUCTION, if proved upon any Person, is punished with much greater Severity in France than England, and often with the Loss of Life it self.

NEITHER of the Abbées, herein mentioned, have as yet received the Dignity of Priesthood; but Abbée des Rues told me he hoped to obtain that Honour if he could procure his Liberty, and Leave to retire into some foreign Country, intimating a great Desire to see England.

*IF this FACTUM for Abbée des Rues, and the MANDEMENT of Cardinal de Noailles will any Way add to your Common-Wealth of Learning, they
are*

(xii)

are heartily at your Service, you best
knowing that——

Habent sua fata Libelli.

*I am here, and wheresoever Providence
assigns me,*

Your sincere Friend,

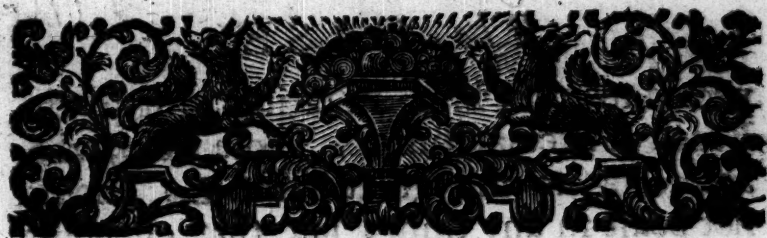
A N D

very humble Servant,

PHILALETHES.



T H E



THE
CASE
OF
SEDUCTION:

OR,
FACTUM for Claudius Nicholas des Rues of Boudreville, Deacon, Graduate in Divinity of the Faculty of Paris, and Prior Commendatory of St. Clement des Prez.



THE Enemies of Monsieur des Rues, not content to have aspersed him in the Ecclesiastical Court, where the first of all Laws should be those of Charity, have farther endeavoured to defame him more publickly, and even expected

pected to crush him, in citing him to the Bench of Secular Justice. Those Men, who, according to the great Saint *Leo*, should not boast in any thing, but that of being the Disciples of a mild and humble God, and who for the Honour of their Profession should, according to the antient Discipline of the Church, intercede for the Clergy before Kings and Judges; these are the Men, who are not ashamed to publish every where that they will destroy Monsieur *des Rues*; they have excited the Magistrates, and still busy themselves to animate them against him. But this Tribunal, which is tremendous only to Criminals, is the only Hope of the Accused; and Monsieur *des Rues* finds himself inspired with the most tender Respect, when he appears before those awful Judges, whom he looks upon as the Maintainers of the Canons of the Church, Defenders of the Laws of the State, Protectors of the King's Subjects, whom they oppress; but more especially of the poor Ecclesiasticks, whom they persecute. The Religious Court affords no other Prospect, but the Altar on which they would offer him up, the Fire, the Instruments and Ministers of his Sacrifice; but the Court of Royal Justice he looks upon as the certain Refuge of his Innocence; it is there the Seat of Truth is fixed, before whom the infamous Witnesses who

have

have deposed against him have never dared appear, and where the Defendant has already cited his proper Judges, in appealing from all their Proceedings as the greatest Abuse.

It is true, that the Ecclesiastical and Secular Jurisdiction have always been distinguished, and have different Objects; and as the Judges of the Church cannot determine in Prerogative Cases, so the Royal Judges leave the Judgment of common Offences to the Cognizance of the Judges of the Church.

This Distinction has been established in all Times. For whether we recount the antient Ordinances, as that of *Moulins*, Art. 40. and others, which enjoined, that the Ecclesiastick should first be judged by the Judge-Royal in the Prerogative Case, and afterwards be remitted to the Spiritual Judge for the common Offence; or whether we instance the Edict of *Melan*, Art. 22. and all the following Declarations, which decreed, that the Judge-Royal should sit on the Bench of the Episcopal Court, and there carry on the Process of the Ecclesiastick jointly with the *Official*, that the Accused might be judged by the Spiritual Judge as to the common Offence, and afterwards be remitted to the Judge-Royal as to the Prerogative Case; it must be confessed, those two Customs, however

B 2

different,

different, unite to establish this antient and stedfast Law of the Kingdom; to wit, that Prerogative Cases only are the Subject of Secular Justice, as common Offences are the only Subject of Ecclesiastical Justice.

And sure, the Clergy, whom even Kings designed to favour in giving them Ecclesiasticks for Judges, would be more unfortunate than other Men, if, for the same Offences, they were obliged to appear before two Tribunals, and undergo two Sentences.

This being premised, it is certain that the Enemies of Monsieur *des Rues* have not been able to asperse him before the Royal Judges; but in a Prerogative Case, distinguished by Suppositions, resembling common Offences, upon which he has been already judged by the Judges of the Church.

It is not to be enquired into here, whether the Accused has violated the Discipline of the Church; but whether he has violated the Laws of the State: And though he be an Ecclesiastick, he does not appear in a Secular Court, but as a Subject of the King. The Question is not, to know whether there has been Levity or Weakness in his Conduct, but whether there have been Crimes. When Monsieur *des Rues* is before the Court to defend his Appeal as to the

the Abuse, he will make it appear that the whole Procedure is contrary to the Canons of the Church, and the Laws of the Kingdom. When he delivers his Memorial to the Primacy against the Judgment of Monsieur the *Official* of *Paris*, he will make it appear that he is innocent: But at present it is sufficient to shew that he is not Guilty. And to give some Credit to such a Memorial, Monsieur *des Rues* proves,

I. That there is not in all the Procedure any Prerogative Case, that his Enemies can reproach him with.

II. That there are Facts in the Procedure, that prove the Animosity and Irregularity of it.

Monsieur *des Rues*, tho' full of that Confidence, which the Justice of his Cause, and the Equity of his Judges inspires him withal, cannot dissemble the Grief he feels to be obliged to enter the Lists with abandoned Women, to refute their Calumnies; and his Grief, like that of the Prophet, pierces to the Marrow of his Bones, when he calls to mind, that for his Defence he is obliged to lift himself up against the deposing Priests, whose divine Authority he will nevertheless respect to the last Moment of his Life.

PROPOSITION I.

The injurious Proceeding that has been carried on against Monsieur des Rues does not contain any Prerogative Case that his Enemies can reproach him with.

IT is needless to search into the pretended Prerogative Case in the Proceedings that have been carried on by Monsieur the *Official* alone; for the Ecclesiastical Judge not being sufficient of himself to take Cognizance of Prerogative Cases, it may be said, either that there is not any such in his Proceedings; or else, according to Law, the Procedure is to be looked upon as null and void, and the Default to be remedied before coming to Justice.

Pursuant to the Edict of 1678, and confirmed by that of 1695, my Lords the Judges Royal are prohibited, under any Pretence whatever, to judge Ecclesiasticks upon Proceedings of the *Officials* in ordinary Cases, and the Depositions that have been taken by the Spiritual Judge before the Coming of the Judge-Royal, cannot remain in Force, nor be produced in the
 Secular

Secular Tribunal, unless they be re-examined and confronted with the Judge-Royal. Thus Witnesses, who have not been re-examined before the Judge-Royal, cannot make against a Person accused before the Throne of Secular Justice; and it is in the Proceedings carried on in the Office of the Judge-Royal, that the Enemies of Monsieur *des Rues* are to find the Prerogative Case they lay to his Charge.

But, if they attribute the Crime of *Seduction* to the Charity Monsieur *des Rues* has had for *Jeanneton le Fort*, or imagine an ill Design in the ridiculous Bill a simple Mother has produced as a Purchase of her Child's Honour, and which she does not stick to say was drawn before her Face; it is to wipe out those Notions of Malice that Monsieur *des Rues* proposes Expedients for his Defence.

*Expedients of Attenuation as to the
Affair of Mrs. le Fort.*

MONsieur *des Rues* does not blush to own, that he is reproached with the Crime of a Rape, when he reflects that the same Crime has been formerly objected to the great Saint *Athanasius*; and as he is convinced of the Difference there is between this great Father of the Church and

and himself, he is no less persuaded of the Resemblance that may be found between the factious Spirit that animated the *Arian* Persecutors of this great Saint, and that which influences his own Enemies. But the Royal Authority which protected *St. Athanasius*, is the sole Trust of *Monsieur des Rues*. It relates to his King more nearly than to his Bishop, and it is before the Judges Royal, who represent his Majesty's Person, that he is bound to give an Account of his Conduct, and whose Protection he implores.

The Laws distinguish two Sorts of Rapes; to wit, a Rape of Violence, which they call *raptum in virginem*, i. e. *A Rape upon a Virgin*; and the Rape of Seduction, which they term *raptum in parentes*, i. e. *A Rape against the Parents*. It is true; they do not accuse *Monsieur des Rues* of any Violence, and he comes to demonstrate that he is not guilty of Seduction.

The Rape of Seduction then, consists in the Artifices, Sollicitations, and Intrigues which are made use of to entice an Innocent Daughter to quit her Parents, whether by inspiring her with a Notion of Marriage to cajole her, or by making Promises capable to corrupt her, and always by abusing the Confidence of the Family, and the Authority they should have over the young Maid. Thus to effect a Crime

of Seduction, it must *First*, happen to an
(a) Innoent Maiden; for, if a Libertine
quits

(a) Jul. Clar. *proposes this Question, Whether a Rape takes place in Case of a Lewd Woman, and answers:*
Doctores tenent quod non. lib. 5. sent. 5. de raptu.
Raptor mulieris solutæ per vim, etiam ab alio
semel cognitæ, & osculatæ, vel ab ipso, non te-
neretur pœna statuti de raptore mulieris honestæ.
J. B. Bayard. 5. de raptu.

Raptus non committitur in muliere corrupta
honestæ vivente. Albert. de Ros. in 3. part. statut.
q. 3. Castrensi. Conf. 231. gramm. in dictam
decis. 107. n. 5.

Rapiens non poterit puniri pœna statuti punien-
tis honestam mulierem rapientem, si non fuerit
probatum quod tempore raptus illa mulier erat
honestæ vitæ. Caspol. Conf. 58. Æmil. Conf. 72.
Rim. Conf. 17. n. 16. Soc. Conf. 439. vol. 2.

Raptus in mulierem non potest accusari, ubi
dictæ qualitates non fuerint probatæ, videlicet,
quod sit honestæ vitæ, & bonæ conditionis & famæ.
Mari. sing. 18. & 189. Bursat. Conf. 69. n. 3.

i. e. Lawyers hold the contrary. The Ravisher of a Woman deflowered by Force, if she was ever known by another, or by himself, does not come under the Penalty of the Statute concerning the Ravisher of an honest Woman.

A Rape cannot be committed on a Woman that has been formerly debauched, tho' she lives honestly at the Time.

A Rape cannot be punished by the Penalty of the Statute against the Ravisher of a chaste Woman, if it is not proved that the Woman lived honestly at the Time of the Rape.

A Rape on a Woman cannot be impleaded, where the foregoing Qualities are not proved, to wit, that she is of honest Behaviour, and good Fame and Condition.

quits her Parents, the Fault should be rather attributed to her loose Desires, than to the Sollicitations of a Seducer, and the Crime of Seduction cannot take place with Respect to a young Woman who has been long guilty of Debauchery. Secondly, There must be Proof that the Accused has made repeated Essays to engage a Child to quit her Parents; and it must be confessed, according to a Law peculiar to the Code, that a young Maid, let her have ever so few Remains of Virtue, would never resolve upon so violent a Course, unless she were seduced by the Visits, Assiduity, and Artifice of him she gives herself up to: *Nisi etenim eam sollicitaverit, nisi odiosis artibus circumvenierit, non faciet eam ve'le in tantum dedecus venire.* i.e. For unless he had importuned her, unless he had beguiled her by odious Artifices, she would not have been content to fall into so great Disgrace. Cod. de rapt. Virg.

I. Expedient drawn from the Debauch of le Fort.

But it is well known, that the said le Fort was guilty of Lewdness long before the Time she pretends to have known Monsieur des Rues; and there was no other Design but that of Charity in all his Conduct, and not that of Seduction.

I. It is notorious, that long before Monsieur des Rues had seen the said le Fort, she made

made one in several Parties of Pleasure with Messieurs *Chape* and *la Farge*, in the Prison of the *Chatelet*: That *Manon Forcheron*, who is mentioned in the Depositions, was a Prostitute to *la Farge*, and the said *le Fort* a Prostitute to *Chape*; so that these two young Persons joined to farther their Debaucheries. The Prison, which was the Scene of their criminal Revels, has more than twenty Witnesses of their Shame remaining; and the two Hearts interwoven, which are cut in the Wall by Monsieur *Chape's* Bed-Side, with the Names of *Chape* and *Jeanneton le Fort*, which are written underneath, proclaim to Posterity, that this young Woman, like the Heroes of old, intended her Conquests should be graved on the most durable Stone; or else Monsieur *Chape*, in Transports of Acknowledgment, designed to leave in the Prison a Monumental Inscription of the Tenderness that *Jeanneton le Fort* had for a poor distressed Prisoner in the Year 1723.

II. It was in the Prison of the *Chatelet*, that Monsieur *Dath* made an Acquaintance with the said *le Fort*; and he had a dangerous Quarrel there upon her Account with Monsieur *Chape*: But she herself exposes her own Lewdness in deposing, that she went to Monsieur *Dath's* House on *Twelfth-Day*, in company with
Manon

Manon Forcheron, supped there, and staid so late, that she durst not return home to her Mother: That she went the Day following alone, and spent half of it in private with her said Gallant. *Monsieur des Rues* has oftentimes demanded, that *Monsieur Dath* might be examined, in order to unravel the Secret of those mysterious Meetings, or at least give his Testimony as to the Circumstances for which the said *le Fort* quitted her Family. He is the first that should appear in Court, since he is cited by this young Artiss as a Witness of the Steps she took to leave her Family: It was during her Abode in his House that the said *le Fort* made a Resolution never to enter it more: In short, he was her intimate Friend, and she often went to visit him.

The Declaration of this Particular was not sufficient to satisfy the Enemies of *Monsieur des Rues*, who seek for nothing but his Destruction: But if it behoves the Judges to hear those who have a Knowledge of the Case in Hand, why do they search for Witnesses who know nothing of the Manner in which this young Woman quitted her Parents, and why do they decline to hear a Man who is informed of the Whole? *In informationibus examinandi sunt illi qui verisimiliter possunt esse informati,*
Jul. Clar. lib. 5. sent. q. 25. n. 1.

III. *La Gautie*, tho' she deposes against Monsieur *des Rues*, cannot forbear condemning the Looseness of the said *le Fort*. *Le Fort* deposes she lodged a Month with *la Gautie*; during which Time she says she went sometimes to Monsieur *des Rues's* House; and *la Gautie* declares, that while *Jeanneton* lodged with her, she did not lie at home but now and then: But if *Jeanneton le Fort*, according to her own Confession, went but sometimes to the House of the Accused, during the Space of a Month that she lodged with *la Gautie*, and if, according to *la Gautie*, this young Woman lay out almost every Night in the Week, does not the Contradiction between those two Witnesses give ground to conclude that *Jeanneton le Fort* had many Gallants, every one of whom had a Day of Attendance, and to whom she gave herself up without Tie or former Affection.

La Gautie confirms the Truth of this, when she declares she had room to believe that several Men had Interviews with the said *Jeanneton*, and that she heard her say she received Money from them. In short, as *Gautie* deposes, that the said *le Fort* proposed to be let Blood in the Foot, at her House, for fear of being with Child; those black and abominable Ideas plainly denote a young Woman of

no Virtue, and capable of all manner of Crimes.

IV. The Facts before related are already proved in the Process; but there are others which Monsieur *des Rues* sets forth, and which he demands Opportunity to make Proof of. *La Gautie* conducted and accompanied this young Woman to the Houses of several Men, and, among others, to that of Monsieur *Carlo*. This grateful and generous Favourite gave the said *le Fort* the Sum of two hundred Livres; and this young Woman, expecting to multiply the Adorers by adding some new Ornaments to the Idol, made use of this Money to buy a Suit of Satin.

Mrs. *Pique* accompanied the said *le Fort*, when she bought the Clothes.

Mr. *Pilon*, Lemon-Merchant, will testify, that three Gentlemen met at his House; one of whom complained of the Infidelity of the said *le Fort*; swearing, that if he met her, he would use her as the vilest Wretch, and leave her but a single Coat to cover her.

Afterwards the said *Jeanneton's* Mother sold that Suit, looking upon it as the Purchase and Mark of her Child's Dishonour.

In short, the Country as well as the City has been the Scene of *Jeanneton le Fort's*

Fort's Diversions, where she every Day changed Performers to act over the same Play. It is sufficient to mention, in this Place, the Tavern of the *Grand Monarch* * at *Montmartre* †, where this young Woman has often drank the Wine of her Prostitution in Mens Company: *Vinum iniquitatis bibunt*, Prov. 4. i. e. They drink the Wine of Iniquity. This holy Mountain, which she ought not to ascend, but to bewail her Virginity, has often been the Rendezvous of her loose Walks; and she never went there to perform Deeds of Mortification.

It is true, *Monsieur des Rues* made no reproachful Objection to this young Woman, when they were brought Face to Face: But as he had nothing to reproach her with from himself, he imagined he had nothing to fear from her Testimony.

If *Monsieur des Rues* had exhibited an Accusation of Lewdness against the said *le Fort*, he had been obliged to make Proof of it: But if the Proof of the Accusation sink the Credit of an Evidence, is not that Evidence censured, reproached, and confounded, when certain Proof of the Accusation can be brought against him? The *Act* of 1670. Art. 19. imports,

C 2

That

* i. e. *The King's Head*.

† *The Mount of Martyrs*.

That the Defendant shall not be permitted to make Exceptions after the Deposition is read: But the same Act, *Art. 20.* enacts, That the Defendant, in whatever State of the Cause, may offer his Exceptions if they are justified by Writing; and can there be any literal Proof of *Jeanneton le Fort's* Lewdness firmer than that contained in the Depositions registered by the Judges, and confirmed by Oath of the Deponents?

But since the Lewdness of the said *le Fort* is proved by the Declaration of the Witnesses which have been heard against the Defendant, and by her own Confession, Monsieur *des Rues*, according to the Tenor of the Act, can still offer a lawful Exception; and the Defendant (in order to confirm what the World knows and publishes) demands, he may proceed to prove the Facts he has advanced against the said *le Fort*.

It is certain then, that *Jeanneton le Fort*, by her long and continued Lewdness, is not qualified to lay a Charge of *Seduction*, which cannot take place but in Case of a prudent and virtuous young Woman. Farther, Monsieur *des Rues* adds, he was incapable of committing the Crime.

The Question here is not, Whether Monsieur *des Rues* kept Company with this young Trader, which comes under

der the Denomination but of common Offences; but whether he inticed her to quit her Parents, and withdraw herself from her Family. This is the Point they ought to prove, and in this alone the Prerogative Case can consist.

Seven Witnesses were heard on this Subject, to wit, *la Gautie*, Mrs. *le Coq*, Mrs. *Pingre*, the Mother and two Uncles of the young Woman; and lastly, the said *Jeanneton le Fort*. II. Expedient. The Witnesses examined do not accuse Monsieur des Rues of Seduction.

But Monsieur *des Rues* affirms, there is not one amongst all those Witnesses, whose Deposition insinuates the Seduction of this young Person, but all accuse the Lewdness of the said *le Fort*. In short, she lays no Seduction to Monsieur *des Rues*'s Charge; and in other Respects her Declaration is so shameful, that it is not fit to be read in any Court: So that the Depositions against the Defendant, furnish him with Matter to maintain his Innocence, and confound his Enemies.

La Gautie acknowledges she never saw the said *le Fort* till six Weeks after she had left her Home, consequently she cannot bear Witness as to the Circumstances of this young Woman's Crime: Farther, this Witness being re-examined, and confronted, I. Witness. May 16.

the Judge Royal's Clerk, according to the Edict of 1678. she cannot be cited into the Court of Secular Justice, nor be a Cause why Sentence should pass.

II. Witness. Mrs. *le Coq* bears Witness of Monsieur *des Rues*'s Integrity, when she deposes that she knew him of a long Time, and never suspected the least Harm in his Conduct: But this Deponent farther proves this Integrity, when she declares, that some Time before this young Woman returned home to her Mother, she heard Monsieur *des Rues* check her severely for the Crime she had committed in quitting her Parents, and enquired of her where they lived, in order to make her return to her Duty; which this young Woman could not be brought to confess.

III. Witness. The Deposition of Mrs. *Pingre* imports no more, than that the said *le Fort* came to her House May 1. with three or four Friends; and that this young Woman earnestly begged her to tell her Uncles she had lived with her, in case they came to enquire into her Conduct.

It has been already said, that the material Point of this Affair is to prove that the Defendant *seduced* this young Person when she quitted her Home, Jan. 6. But how can this Fact be proved by the Deposition of a Woman, who declares she never

never saw *le Fort* but once, to wit, the first of *May*, that is to say, four Months after her Departure from her Parents, and a Month after she returned again: But, to unfold the Plain-dealing of this Proceeding, the Court is intreated to observe, that Monsieur *du Coudray*, who is mentioned in the Depositions to have accompanied the said *le Fort*, when she returned to her Mother, is a near Relation of Mrs. *Pingre*; and that, to excuse *le Fort*, he told her Uncles she lodged some Time with his Kinswoman, and was with *le Fort* at Mrs. *Pingre*'s the first Day of *May*, to engage her to second what he proposed for the Service of this young Artist. But a Visit made the First of *May*, to Mrs. *Pingre*, can never prove the Seduction they suppose effected the Sixth of *January* preceding; and only signifies the Charity of Monsieur *du Coudray*, who would willingly preserve to *le Fort* the Good-will of her Family, after she had returned to her Mother above a Month, and obtained Pardon for her Offence.

Mrs. *Pingre* adds, that the Company who were with the said *le Fort*, would have left her at her House, under pretence of continuing their Walk, and called upon her at their Return, to accompany her home to her Mother. But this forward young Person soon ran after them, which

which proves in *le Fort* the Character of a hardened Creature, who, far from being scared at the Company of several Men, was too impatient to wait, and too active in going to find them out.

The Relations of the young Woman do not accuse Monsieur *des Rues*; and allowing he was in Fault, it is probable they would be the first to excite publick Justice, *quorum vindicta maxime interest*. Cod. de rapt. Virg. i. e. *whom it chiefly concerns to have Revenge*. They all take notice of the Girl's Departure, but do not relate any Circumstance of it. Her Uncle *Albezat* says, that his Niece, on *Twelfth-Day*, when she disappeared, had her Head dressed after an extraordinary Manner, which only shews the Design she had of engaging in Company at Monsieur *Dath's*.

They all say it was Mrs. *le Coq* who brought back this young Woman to her Mother: They mention the Charity with which Monsieur *des Rues* endeavoured to excuse her: They acknowledge, that the first Moment Monsieur *des Rues* saw them, he enquired where they lived, and took a Direction of it, assuring them at the same Time, if he had known the Place, he would have given them Notice; but the said *Jeanneton le Fort* would never confess.

fels. Her Relations, full of Acknowledgement, came to thank Monsieur *des Rues*; and since the Charity he has had for the said *le Fort* is reputed a Fault, he is willing to confess all the Circumstances of it, in telling the Court, that after this young Person had returned home, she was recommended to him by her Mother, and he put her out to a Manteau-Maker in *Tixeranderie-Street*, where she worked for above a Month: But her Relations finding new Cause of Complaint against this young Woman, were obliged to put her in a House of Refuge, where she still remains.

The Declaration of the Deponents against Monsieur *des Rues* amounts to no more than this; nor is there one among them that accuses him. It is not to the present Purpose to know whether Monsieur *des Rues* recommended the said *le Fort* to a Gentlewoman, or to a Manteau-Maker; whether he invented a cunning Story to excuse her to her Friends, or whether he kept Company with her: But the Question in Hand relates to a Prerogative Case, to know whether Monsieur *des Rues* has seduced this young Woman. The Witnesses have been summoned to appear for this Purpose, tho' they have not uttered a Word against Monsieur *des Rues* as to that Affair.

It

It is plain then, that Monsieur *des Rues's* Enemies have no other Handle against him, but the Deposition of the said

III. Expedient. *Jeanneton le Fort*, which they cry up as a full Evidence against him: But it is easy to demonstrate, that this Witness does not accuse

Monsieur *des Rues* with *Seduction*, and her Declaration is so erroneous in other Respects, that she can't be produced as a Witness.

Jeanneton le Fort, aged twenty Years, a Tradesman's Daughter, deposes, she was in Company with the forementioned *Forcheron*, on *Twelfth-Day* last past, at Monsieur *Dath's* House, where she supped; that the Entertainment having lasted till Ten of the Clock at Night, she durst not go home to her Mother, but lay with the said *Forcheron*; that the following Morning she returned alone to Monsieur *Dath*, and about Twelve of the Clock went to see Monsieur *des Rues* in Company of her said Acquaintance, &c.

On *Twelfth-Day* at Night then, *Jeanneton le Fort* absented from home; at that Time the *Seduction* was effected, and to that critical Hour all our Attention should be directed.

Seduction essentially consists in a gentle Violence which the Seducer practises to steal

steal away a young Maid from her Parents, and carrying her to a Place devoted to himself: *Raptum committit qui mulierem libidinis causa de loco ad locum conducit. i.e. He is guilty of a Rape, that leads a Woman from one Place to another with design to debauch her.* And Julius Clarus does not lay down this Maxim as his own private Opinion, but as a settled Law, supported by the Authority of all the eminent Lawyers: *Et dixi de loco ad locum, quia aliter dici non potest raptus secundum omnes, lib. 5. sent. §. de raptu. i.e. And I say, from one Place to another; because otherwise it cannot be called a Rape, according to universal Opinion.* Now it is certain, that Monsieur des Rues had never seen the Parents of *le Fort*; nay, she declares she came of her own Accord to spend an Evening pleasantly at Monsieur *Dath's*, returned thither the next Morning, and afterwards came to see Monsieur des Rues with the said Monsieur *Dath*. So that when this Friend of her's came to present this young Person to Monsieur des Rues to implore his Charity, she had already abandoned her Parents, already strayed from home, and Monsieur des Rues had no hand in it.

The Court is humbly moved to observe, that *ravishing* a young Woman does not consist in receiving her when she comes to seek you, but in going to seek her,
in

in soliciting her, and stealing her away from her Parents.

The Crime of *Seduction*, which *Justinian* treats of in a Law peculiar to the *Code*, does not consist in the Gallantry or Compliments which a young Man may make to a Girl to obtain her Love; for then, says a certain Author, the whole World would be culpable, and merit Death: *Possent capere puniri universus mundus. Boss. tit. de coitu damnando.* But according to the Tenor of the said Law, *Seduction* consists in the black Artifices a Man makes use of to corrupt a young Woman; when he has at several Visits seduced her by Promise of Marriage, or other Things that please her, he makes use of the Power he has gained over the young Person, and abuses the Trust her Parents repose in him, in stealing away from them what they hold dearest in the World.

But the said *le Fort*, in her Deposition, does not say, that *Monsieur des Rues* ever made her any Speeches with Design to draw her aside; she accuses the Trust she reposed in *Monsieur Dash*; she relates the Motive that engaged her to abandon her Family, and does not say she was brought to it by the Promises or Advice of *Monsieur des Rues*; but for fear of Chastisement, because having stayed too late at *Monsieur Dash's* House, she durst not return again
to

to her Mother. In short, it cannot be objected to Monsieur *des Rues*, that he has abused the Confidence of her Kinsfolks; whom he had never seen; nor the tender Age of the young Woman, she being twenty Years old, and well experienced: Nor the Ascendant he might have gained over her Affections by constant Assiduity, since, according to the Deposition of this young Operatrix, when she absented from her Friends, he had not seen her but twice at Monsieur *Dath's* House, where Chance alone threw her in his Way. When this Damsel declares, that while she was at Supper with Monsieur *Dath* on *Twelfth-Day* Monsieur *des Rues* came there, but Monsieur *Dath* sent him Word he was busy, she manifestly proves the secret Engagements she had with this Intimate of her's; and when she confesses the small Acquaintance she had at that Time with Monsieur *des Rues*, she makes it plain she was neither gained nor seduced; and that the Fault she committed the same Day cannot be attributed to Seduction, but wholly to her own Lewdness.

But as Monsieur *des Rues's* Enemies expect to gain their Point by producing the said *le Fort's* Deposition, Monsieur *des Rues*, in order, if possible, to put them to the Blush, comes now to demonstrate that this Deposition is not sufficient in

D

Justice

Justice to ground the least Presumption upon, (a) that it has all the Marks of Calumny, and is condemned by all Laws.

IV. Expedient.
Jeanneton le
Fort is an un-
lawful Evidence.

See here then, all the Qualities of this Witness, and the Heads of her Testimony.

Jeanneton le Fort is the only Witness against Monsieur des Rues on this Occasion; but *testis unus, testis nullus*, i. e. One Witness is no Witness; and since the Laws forbid Judgment to pass upon the Declaration of a single Witness, though of the greatest Quality, (b) *Etiamsi præclara curia*
honore

(a) Ceterum ad hoc ut testis legitimus faciat iudicium, requiritur quod sit integer, & omni exceptione major, id est, talis contra quem nulla possit opponi exceptio; & est communis eorum sententia. Jul. Clar. lib. 3. sentent. q. 21. n. 2.

But as to this Matter, 'tis requir'd, that a Witness, who would give in a Lawful Examination, should be blameless, and above all Exception; that is, such an one as no Exception can be made against: And this is the universal Opinion.

(b) Simili modo sancimus ut unius testimonium nemo Iudicum in quacunque causa facile patiaturs admitti, & nunc manifeste sancimus ut unius non modo testis responsio non audiaturs, etiamsi præclara Curia honore fulgeat. Lege 9. ff. 1. c. de Testibus.

In like manner we ordain that no Judge shall admit the Testimony of a single Witness in any Cause whatever; and we farther ordain, that the Testimony of a single Witness shall not be taken, though the Person is distinguished by the Honour of the highest Preferment.

honore fulgeat. Tho' distinguished by the Honour of the highest Preferment, can the Judges give Credit to the Testimony of a poor Needle-woman, remarkable only for her Lewdness?

Jeanneton le Fort is a Witness, who proclaims her Dishonour (a) in open Court without Sense of Shame, an Accomplice in the Crime (b) she owns, and who, in this

(a) Nemo auditur suam allegans turpitudinem.
No one shall be heard that proclaims his own Dishonour.

(b) Vel si est tale delictum quod sine socio committi non possit, ut Sodomia, vel hujusmodi dicas, excipio contra te, quia facis te socium criminis, & ideo nihil probas. Jul. Clar. lib. sentent. q. 21. n. 13.

Duo socii vel plures non faciunt indicium ad toruram. Mascar. de Prob. consil. 131. n. 18.

Socius Sodomie ut testis non est admittendus. Mascar. concl. 1313. n. 12.

Adde quod reus criminis qui confitetur de se non creditur de alio, & ratio est quia cum non possit alium accusare, non potest testificari; nam accu-

Or if the Crime be such, that it cannot be committed without an Accomplice, as Sodomy, and such-like, let them be rejected, because they make themselves guilty of the Crime, and so prove nothing.

Two or more Accomplices cannot give Ground for Condemnation.

An Accomplice in Sodomy is not to be admitted a Witness.

Add to this, that whoever confesses himself guilty of a Crime, is not to be credited concerning another; and the Reason is, because as he cannot accuse another, he

this respect, is not worthy of the least Credit, but should be set aside, according to the Learned of the Law, and several Arrets of the Parliament of Paris cited by M. Papon, Lib. 22. Tit. 13.

Jeanneron le Fort by her Sex, Age, Condition, and Conduct, has all the Defects joined in her, one of which is sufficient to annul or invalidate the Testimony of any Witness.

The Laws ordain, that the Qualities and Character of a Witness should be examined into: *Testium fides diligenter examinanda est: ideo in eorum persona exploranda sunt imprimis conditio cujusque, utrum quis Decurio an plebeius, & an honesta & inculpata vita. Leg. 3. D. L. §. 1. & 2. ff. de Testibus.* The Credit of Witnesses is diligently to be examined into: But more especially their State of Life is to be enquired into, whether of an elevated or mean Degree, whether of honest and blameless Behaviour. But what can be found in

satio & testificatio pari passu ambulant, & etiam quia est infamis. Bald. in c. Cum Monasterium, n. 5. de Confess.

cannot bear Witness: For Accusation and Bearing Witness go hand in hand. And another Reason is, because he is infamous.

in Jeanneton le Fort? A Female (a), a Minor (b), a Manteau-maker (c), a Prostitute (d).

(a) In causa criminali foeminae non sunt omni exceptione majores, quia varium & mutabile testimonium semper producunt. Capel. in cons. crim. 33. in 1. dubio.

De jure canonico mulier non admittitur ad testificandum in causis criminalibus, & ita tenent communiter doctores. Jul. Clar. q. 24. n. 4.

Women are exceptionable in criminal Cases, because they always give a various and wavering Testimony.

A Woman should not be admitted to bear witness in criminal Cases according to the Canon Law: and so the Doctors generally hold.

(b) Minor vigesimo anno ab aconfando repelitur. Jul. Clar. l. 5. sent. q. 14. n. 2. Quive impuberes erant. Leg. 3. §. 5. in f. ff. de Testibus.

The Law does not admit the Testimony of Minors.

(c) Testis vilis in causa gravitesticari non potest. Gramm. dec. 11. n. 4.

An infamous Witness cannot testify in capital Cases.

(d) Quidam propter lubricum consilii sui, alii vero propter notam & infamiam vitae suae admitendi non sunt ad testimonii fidem. Leg. 3. §. 3. in f. ff. de Testibus.

Meretrix non potest esse testis in criminalibus. Conrad. fol. 8. n. 18.

Some are not to be admitted Witnesses by reason of the Unsteadiness of their Testimony, others by reason of their infamous Lives.

A Whore cannot be a Witness in capital Cases.

In short, *Jeanneton le Fort* is a Witness who speaks in her own Cause. *Nullus idoneus testis in re sua intelligitur.* *Leg. 10. ff. de Testib.* No one is allowed a proper Witness in his own Cause. A Witness who was under Confinement at the time she came to depose: *Qui in vinculis custodiatur publica erit, rejiciendus est.* *Leg. 3. §. 5. in fin. ff. de Testib.* Whosoever is in Prison, or public Custody, is to be rejected. A Witness that has been cited had opportunity of speaking to her in *Mondetour-Street*, while she took shelter in the Suburbs of *S. Marcel*; and if the smallest Formality is essential in criminal Cases, what should we think of an Artifice which was made use of to hide the Lewdness of the said *le Fort* from *Monsieur des Rues*, in concealing the Place of her Correction, and to remove the Idea of her deserved Reproach.

It is not sufficient for *Monsieur des Rues* to prove, that *Jeanneton le Fort* is an Evidence null in herself; he proceeds farther to shew, by the Default of the Proceeding, that she is a false Witness, and merits the utmost

Infamis infamia facti, etiam quod sit emendatus, non debet admitti, nisi sit fama restitutus. *Felin. in 2. concl. Alex. in cons. 32. Ferrer. in cons. 367. n. 2.*

An infamous Person, though he be reformed, should not be admitted, unless his Reputation be entirely regained.

utmost Severity of the Law. For, according to the Lawyers, a false Witness (a) may be known by deposing Things contrary to Probability, by contradicting himself (b), or when he is found guilty of a Lie (c), and convicted of Calumny by other Witnesses. These are the Marks of a false Testimony, and which all accompany the Deposition of the said *le Fort*.

I. *Jeanneton le Fort* imagines she gives a great Proof of her Virtue, in deposing, that she lay a whole Day by a Man without staining

(a) *Testes de falso suspecti sunt qui deponunt non verisimilia.* Crave. conf. 115. n. 12. Boss. contra testes, n. 9.

Witnesses are suspected of Falshood, who depose Improbabilities.

(b) *Convincitur testis de falso; si ipsemet contraria dixerit; & in hoc proposito scire debes, quando deponit in judicio contrarium ejus quod dixit extra judicium.* Jul. Clar. lib. 5. sentent. §. Falsum. n. 5.

A Witness is convicted of Falshood, if he contradicts himself; and in this Case you are to know, whether he deposes in Court contrary to what he said out of Court.

(c) *Convincitur etiam testis de falso per alios testes numero plures qui contrarium deponunt.* Ibid. n. 6.

A Witness is convicted of Falshood by a Majority of Witnesses who depose the contrary.

staining her Honour: But if we compare what she declares with what the whole World publishes of her ready Condescension, may we not say, that *Jeanneton le Fort* is a Miracle of Virtue, and a Prodigy of Lewdness at the same Time.

II. This Witness contradicts herself; for in the Re-Examination she deposes, she went to dine at Monsieur *des Rues*'s House the Sunday before *Twelfth-Day*, being the second Day of the Year; and, in her first Deposition, she says, that on *Twelfth-Day* Monsieur *des Rues* upbraided her at Monsieur *Dath*'s House with going to see that Gentleman, when at the same Time she would not come near him. But if Monsieur *des Rues* upbraided her on *Twelfth-Day* with not coming to his House, it must be false what the said *le Fort* says, that she was there three Days before. In this Case then that Rule of Equity should be applied: *Testes qui adversus fidem suam testationis vacillant, audiendi non sunt. Leg. 2. ff. de Testibus.* Witnesses who prevaricate in their Depositions, are not to be heard.

III. This unhappy Witness is proved a Liar by the other Witnesses who have appeared in the Affair: For *Jeanneton le Fort* says she spent the *Wednesday* before *Twelfth-*

Twelfth-Day at Monsieur *des Rues*'s House; and Mrs. *le Coq* deposes, she continued and lay in her Apartment the same Day, and the Days following.

Those who instructed the Witnesses have made *Jeanneton le Fort* add, in her Re-examination, that Monsieur *des Rues* knew her Habitation: But this young Person is contradicted by Mrs. *le Coq* and all her Relations: For Mrs. *le Coq* declares, she heard Monsieur *des Rues* press her earnestly in her Presence, to tell him where she lived, but that she never would discover it.

Le Fort's Mother acknowledges, that the first Time Monsieur *des Rues* saw her, he enquired where her Dwelling was, in as much as he said to her, if he had known sooner, he had given her Notice, but that her Daughter would never declare it to him; and the Uncle *le Fort*, after having acknowledged the same Thing, adds, that as soon as he came into Monsieur *des Rues*'s Company, he took a Memorandum of his Abode.

Moreover, as far as Monsieur *des Rues* can call to mind the Contents of the Depositions that were read to him when they were confronted, he asserts, that if *Jeanneton le Fort*'s Declaration as to the Manner in which she came to his House, be compared

pared with what *la Gautie* deposes she learned from the said *le Fort* upon that Head, there will be found as many Contradictions as Words: And if this young Woman has spoke otherwise in Court, than what she has said in common, this Maxim of *Menochus* may be well applied to her; *Pœna debent puniri testes qui unum in judicio, & aliud extra judicium testati sunt.* *Menoch. de arbitr. jud. cap. 312.* Witnesses deserve Punishment, who testify one Thing in Court, and the contrary when they are out of it.

All Writers on criminal Cases agree, (a) that the Testimony of a single Witness who speaks in favour of the Defendant, should be preferred to a Deposition, where there is a Disagreement among the Deponents; but what must we think of one Witness that is proved a Liar by all the rest, and who contradicts herself: And if a Witness, who is found guilty of a Lye in a single

(a) *Testis fisci, si pro reo deponit, ipsi quamvis singulari creditur, etiam quod sit de auditu.* *Roman. conf. 104. Socin. in conf. 49. n. 11. Vol. I. Cephal. conf. 65. n. 55. Horat. Lun. conf. 198. n. 4. Burs. conf. 215. n. 45. Simon de Pratis conf. 178. n. 6.*

A Witness who affirms a Report, though trusted to himself alone, becomes Evidence for the King, if he deposes in behalf of the Defendant.

single Article, (a) is to be accounted perjured in all the rest, how can we look upon a Witness, who is convicted of Falshood in as many Circumstances as the deposes, but as a perjured slanderous Evidence, who should be punished with Severity?

Monsieur des Rues, though under the Affliction of his Fetters, will never forget he is the Servant of that God, who prayed for his Enemies with his dying Breath; he cannot then be thought criminal in excusing the said *le Fort* before the Magistrates, when he affirms, that this Witness has been overreached, and compelled even by Threats to accuse him.

VI. Expedient.
Jeanneton le
Fort is a forced
Evidence.

When

(a) Qui in uno dieit falsum, in totum est perjurus, & nihil probat etiam id quod dicit verum, propter iuramentum quod est indivisibile. Menoch. de arb. jud. cas. 108.

Testis inductus super pluribus capitulis, si super uno capitulo falsum dixerit, presumitur in omnibus aliis capitulis falsum dixisse. Alex. conf. 27. n. 3. Socin. conf. 41. &c.

Whoever speaks falsely in one Point is perjured in the Whole, and even the Truth he speaks proves nothing, because the solemn Oath he took cannot admit of Prevarication.

An Evidence who is examined in several Particulars, if he falsifies in one, is looked upon to have testified falsely in all the rest.

When Monsieur *des Rues*, who was concerned for the Danger this young Woman found herself in by leaving her Parents, had suitably reprimanded her for so doing, and enquired the Residence of her Family, in order to a Reconcilement; when upon her obstinate Refusal to confess it, he applied himself to a Gentlewoman of Repute, hoping to trace out what she would not then confess, to make her return to her Duty, these Steps were prudent and charitable, and the said *le Fort* every where published the Probity of her Benefactor. When Monsieur *des Rues* excused this young Woman to her Relations, and made her go home to her Mother the same Day he found out their Dwelling, the said *le Fort* and all her Relations applauded the Charity of Monsieur *des Rues*.

When *Jeanneton le Fort*, going to see Monsieur *des Rues*, May 14. last, in the Morning, was informed he was arrested, she went to Monsieur *Pique's* House, where in the presence of Messieurs *Pique, Dath, Longuenne*, and many others, she could not refrain from Tears, professing several times that Monsieur *des Rues* was a Man of the strictest Honour, and had saved her from Destruction; and Monsieur *Dath* brought her to his House, where he detained her till Afternoon, to comfort her in the best manner he could.

When

When this young Woman, agreeable to what her Uncle told the Defendant, returned home to her Mother the said 14th Day of *May* at Three o'Clock in the Afternoon, and brought the News of Monsieur *des Rues's* Imprisonment; she firmly attested his Honesty, and proposed the same Day to enter into the House of Refuge, where her Relations had already resolved to place her.

Such were the Sentiments of *Jeanneton le Fort* the 14th of *May*, and the 20th of the said Month she deposed against Monsieur *des Rues*. But what can so sudden and incredible a Change be attributed to, but to *Seduction*? For, at the Time they were confronted, Monsieur *des Rues* having remonstrated to her that she spoke contrary to Truth, she answered that they had assured her he had spread scandalous Reports of her, and endeavoured to make her pass for an unfortunate Woman. Monsieur *des Rues* immediately told her she was abused, for that he had never reproached her with any thing. This young Woman upon that acknowledged she was deceived, and said publicly that for four Days they never ceased to threaten her, and forcibly compelled her to come before the *Official*. Monsieur *des Rues* has demanded a Copy of her Affidavit; and in Justice it should be granted him, since, according

to Law, all that is said at such Times should be writ down: But the Defendant being persuaded of Monsieur de Montault's Impartiality, who was present when they were confronted, does not doubt but he will bear Witness of the Truth of what he asserts. In short, *Albezard*, in a Visit he thought proper to make Monsieur des Rues after his Confinement in the *Chatelet*, often repeated that his Niece constantly spoke the handsomest things that could be of him, and that Monsieur *Iffoire* must be very dextrous to be able to make her change her mind.

Monsieur des Rues is proud he has not that Dexterity, and would be sorry to possess a Qualification so contrary to the Spirit of *Jesus Christ*, which is a Spirit of Truth and Charity.

Such is the Deposition of *Jeanneton le Fort*, which the Enemies of Monsieur des Rues mention with an Air of Victory. But if, according to the most learned Writers on criminal Cases, the publick Declaration of the honestest Woman, (a) who at the point

(a) Si vulneratus perseverat post susceptam Eucharistiam usque ad mortem, indicium prodit. Menoch. de arbitr. jud. cas. 99. n. 16. Bald. cons. 25. vol. 1. Mascar. in concl. 144. Jul. Clar. lib. 5. sentent. q. 21. n. 13.

If a wounded Person, after having received the Sacrament, perseveres to Death in his Assertion, it amounts to no more than a bare Supposition.

point of Death, and at receiving the Holy Sacrament, accuses her Murderer, can amount to no more than a bare Supposition against the Criminal, with what Face then can they represent the Declaration of a Mantau-maker as a decisive Testimony, whose Lewdness is already proved throughout the whole Proceeding; who by her continued Irregularities can accuse Nobody of the Crime of *Seduction*, and in particular does not accuse Monsieur *des Rues* with it; who turns Evidence in her own Cause, exposes her Baseness by Prevarications and Contradictions, is proved a Liar by the other Witnesses, and was dragged into Court like a Slave by the Overseer of the Hospital. Monsieur *des Rues's* Enemies call her a convincing Evidence; but the Law determines that she is a false one, or at least erroneous and useless, and has no Excuse but her Surprise. So that if there is any Crime of *Seduction* in this Affair, it must be the *Seduction* of this Witness, upon whom the Crime will light, or, upon the Enemies of Monsieur *des Rues*.

E 2

CASE

CASE II.

*Expedients of Attenuation as to
Mrs. le Roy.*

THIS Libertine's Mother, who has no other Title but that of Hawker about the Streets, Deposes, that she brought her Daughter to the Defendant's House two Years before; that Monsieur *des Rues* in order to gain this young Woman's Favour, who was then twenty Years of Age, promised her the Sum of two hundred Livres ready Money, and a Bill for 600 more payable in three Months. This unhappy Mother is not ashamed to say, that she was Eye-witness of all the Circumstances she reports, and is only sorry, as she adds, that the Defendant made the Bill for 6 Livres instead of 600. and produces a Paper, on which is written:

I promise to pay the Bearer the Sum of 6 Livres at sight, Value received, the first of July. Done at Paris, the fifteenth of February, 1723. Signed, The Prior of S. Germain.

According to the Principles laid down in the Beginning of this Memorial, it is needless to search into the common Offence which this Woman imputes to the Defendant; but the Question to be decided before the Civil Magistrate, is, to know whether this Accusation amounts to a Pre-rogative Case. They

They do not lay *Violence* to Monsieur *des Rues*'s Charge, seeing they suppose that the Sight of the Bill inspired this young Woman with a Spirit of *Tenderness*, which made her consent to all the rest; neither do they object *Seduction*: For, according to the *Code Law* before cited, the Rape of *Seduction* is committed against the Parents, from whom their Child is stoln away; but in the present Case the Daughter says she came, and returned with her Mother. In a word, if they only upbraid Monsieur *des Rues* with disappointing the Expectation and Covetousness of this young Libertine, was it ever made a Case of Conscience for a Person to break his Word with abandoned Women, who have no other Livelihood themselves but Deceit?

Tho', if Monsieur *des Rues*'s Enemies make the Prerogative Case consist in the Bill they object to him, it is easy to shew that the Forgery which they attribute to this Bill, is without Foundation.

Monsieur *des Rues* insists, that he does not so much as know these Women, or ever saw them; and as to the Bill they produce, he cannot imagine how it came into their Custody: However, he believes it is his Hand-writing; but the Date is so old, and the Sum of so small a Value, that he cannot recollect the Cause of it, unless it was done out of banter, without Design of cheating any body.

The Bill is ridiculous in itself; in as much as the Person that drew it demands six Months to pay six Livres.

It is true, that the Bill does not bear the Name of the Defendant: For it bears no Name at all, because *the Prior of Saint Germain* is not a Name, but a Title; and if a private Person acknowledges that he gave such a Bill to a Punk, which he forbore to put his Name to for his Honour sake, can the Crime of Forgery, or any Prerogative Case, be laid to his Charge?

In fine, the Crime of Forgery consists in counterfeiting or altering the Hand-writing of another; but there is none that accuse the Defendant with having imitated their Hands, or made use of their Names. Supposing then that the Bill resembles the ordinary Writing of the Defendant, and that nothing is either added or effaced; yet the Sum of six Livres is expressed in it by Figures, and the Bill consists of two Lines only upon a large Half-Sheet of Paper. It was dated *February 15. 1722.* But a different Hand altered the last 2 to make it 1723. in order to make the Bill of a later Date, and to put a better Gloss upon their Roguery. But in case the Bill was a true one, then the Crime of Forgery might be retorted upon the Enemies of *Monfieur des Rues.*

According

According to the Maxims of the Law, a Person can owe nothing without having received the Value ; so that if this Bill was put in force by a Man who complained of having delivered to Monsieur des Rues Goods to the Value of 600 Livres, and of receiving a Bill but for six, this heavy Accusation might excite the Attention and Enquiry of the Magistrates : But in the present Case there is nothing to enquire into, all is plain ; what then is the Matter in question ? A young Woman (a) forsooth, who in the Course of her Prostitutions complains of a bad Market that she made in Presence of her Mother, and lost all by coveting too much : But when this Libertine deposes without Sense of Shame, that she sold herself for 200 Livres ready Money, and a Bill for 600 more, does she not prove that she went with her Mother into the Streets of the City, more with Design to set the Sin to sale, to call in Adventurers, and find Bubbles, than to ask an Alms ? *In viis sedebas expectans eos, polluisti terram in fornicationibus ;*
frons

(a) *Falsitas in re modica dicitur leve delictum, etiam quod dolus intervenierit. Craver. conf. 46. n. 12. Rolan. conf. 38. n. 37. Menoch. de arbitr. jud. cas. 306. n. 36.*

A small Mistake is accounted Falsity in People of low Life, even though Deceit has interposed.

frons mulieris meretricis facta est tibi, noluiti erubescere. Jerem. cap. 3. Thou hast sit waiting for them in the Ways, and hast polluted the Land with thy Whoredoms; thou hadst a Whore's Forehead, and wouldst not be ashamed.

According to all the Writers on Criminal Cases, there can be no Forgery without Fraud: So that, to prove there is Forgery in the Bill, he must be proved guilty of Fraud that drew it. The Bill, supposing the Defendant should acknowledge it his, has not the least Flaw imaginable in it: But, if the fraudulent Design they attribute to the Bill has no other Foundation, but the Fiction they spread in producing the said Bill, where are the Witnesses that can support and confirm what these unhappy Women have conceived?

For Monsieur Melier has already declared he had no Knowledge of the Bill, and in truth these Women suppose it was drawn in his Absence. The infamous Mother has been re-examined and confronted without the Judge-Royal's Clerk; and consequently, according to the Edict of 1678. her Deposition cannot be cited in the Court of Royal Justice. There remains then only the Declaration of her Daughter *le Roy*, which the Enemies of Monsieur *des Rues* can make use of against him. But if we call to mind the

the most stedfast Maxims of the Law, what must we think of her Deposition? She is an infamous Person: *Potest dici meretrix quæ uni consentit cum mercede.* J. B. Bayard q. 24. n. 98. *Luc. de pens. in L. Si qua in principio.* She that consents to a Man for a Reward may be termed a Whore.

This young Woman cannot be made an Evidence. *Meretrix non potest esse testis in criminalibus.* Jul. Clar. lib. 5. sentent. q. 24. n. 14. A Whore cannot be a Witness in Capital Cases. She professes herself a Beggar, (a) appears only to publish her Shame, and the Tears which they say fell from her at her Deposition, were counterfeited, the better to gloss over the Affair. She speaks in her own Cause, and is her Word to be taken? The Enemies of Monsieur des Rues have given her this surprizing Bill, and have made her believe, if she played her Part well, she would receive the Sum of 600 Livres; but the many Contradictions in the Mother and Daughter's Evidence, prove the whole Relation to be a meer Fable:

The

(a) Jul. Clar. lib. 5. sent. q. 12. se propose cette question: *Quæro numquid pauperes admittantur ad testificandum in causa criminali.* Il repond que non. & ajoute: *Et ita censent omnes scribentes.*

Julius Clarus proposes this Question: *Whether poor People should be admitted Evidences in Capital Cases.* He answers in the Negative, and adds: *This is the Opinion of all Authors.*

The Daughter alone proves nothing, and the Daughter joined with the Mother makes both their Testimonies infamous, and incapable of forming the least Suspicion upon. *Indicium etiam de propinquo duobus testibus omni exceptione majoribus probari debet. Jul. Clar. lib. 5. sentent. q. 22. n. 1.* An Allegation of near Relations should be proved by two Witnesses of undoubted Credit. In short, all the Conjectures which Monsieur des Rues's Enemies can form upon the Bill in the Custody of these unhappy Women, are useless; for Conjectures are nothing to the Business in hand, and amount to no more than a common Offence, which does not come under the Cognizance of the Civil Magistrate: But (a) there must be plain Proof to convict the Defendant of a Prerogative Case; in Default of which, the Shame of the Accusation redounds

(a) Ad probandum falsitatem probationes debent esse de necessitate concludentes. Ferrant. Gargiar. in conf. 126. n. 8.

Ad probandam falsitatem non sufficiunt conjecturae, neque suspensiones, sed requiruntur probationes legitima, & quae de necessitate concludunt. Jul. Clar. lib. 5. sentent. §. de falso. n. 30. Socin. Jun. conf. 39. n. 44.

False must be necessarily conclusive to prove a Forgery.

Conjectures and Suspensions are not sufficient to prove a Forgery; but lawful Proofs are required, which of necessity are conclusive.

dounds to the Evidence ; and since these unhappy Women, after forbearing to make any Demand or Complaint for two Years, are not ashamed to produce a Bill which they say was the Purchase of their Wickedness, we may say with the Philosopher, that would be buying Repentance too dear: *Non enim tanti premere.*

It is true, that Monsieur *Issoire*, so lavish of his Charity to those unhappy Women who demand nothing, has already given a Price for their Infamy, and promised to recover Damages and Interest for them: But, if he acknowledges the Holy Scripture for the Rule of his Judgment, he should call to mind that which is written of a Woman polluted by Debauchery. *Pretium scorti vix est unius panis; mulier autem viri pretiosam animam capit. Proverb. vi. 26.* For because of the whorish Woman a Man is brought to a Morsel of Bread, and a Woman will hunt for the precious Life of a Man.

This is the Upshot of the monstrous Proceeding Monsieur *Issoire* has carried on against Monsieur *des Rues*, which contains only bare Surmises of common Offences: But the Defendant has been obliged to suppose and produce the Appearance of a Prerogative Case against himself, to have an Opportunity of instructing the Judges in the whole Affair, and to undeceive the Publick as to the scandalous Reports spread
against

against him, importing that he had abused his Ministry in corrupting the young Women committed to his Instruction. These Reports, without doubt, have alarmed the Religious Concern of all Fathers of Families: But those abominable Ideas, which they endeavour to fasten on Monsieur *des Rues*, are of no Moment in respect to the Suit depending, and are only found in the Mouths of the Defendant's Enemies; for Monsieur *des Rues* has been a Catechist in *St. Paul's* Parish from the Year 1705 to 1710, and the Attestations of the Parishioners, which he has to produce, prove with how much Zeal and Edification he has acquitted himself of this Charge. It is now fourteen Years since Monsieur *des Rues* quitted that Order, and as long since he performed the Office of Catechist, except during the Stay he made in the City of *Sens*, where the Parson, Vicar-General to my Lord the Archbishop gave him Charge of the Education of the Children in that Parish; and the Minister's Letter, which he has to produce, evidently proves the good Opinion they had of him in that Province. In short, the Honour the Defendant has had of being attached to Monsieur *L'Abbé Bignon*, has prevented him for two Years past from exercising his Function in any Church.

These are Matters of Fact which every body knows; and Monsieur *des Rues* gives an

an Account of his Behaviour with the greater Pleasure, because he thinks it incumbent on him to support the Dignity of his Function, and expose the Fury of his Enemies. Monsieur *Issire*, notwithstanding all the Interest he can make, has no Right to establish new Prerogative Cases against Monsieur *des Rues*; all these Cases are contained in past Acts, and the Acts do not mention one single Case that can be imputed to the Defendant. When Monsieur *des Rues* speaks of his Innocence, it is not but that he can confess Offences in presence of him who discerns Spots in the Sun; but he persists to maintain, that there is no Crime in his Conduct which gives Cause to summon him to the Court of Royal Justice, nor even an Offence for which he can be lawfully cited before the Ecclesiastical Judges.

It is true, that the Bishop is the supreme Judge, established to try such Offences as are subjected to the Tribunal of the Church: But *Jesus Christ* himself, *Mar. xviii.* has explained the Principles of this Tribunal; he has laid down Rules for it, and settled admirable Laws of brotherly Correction, which oblige all the Faithful, and especially the Bishops, to search out for their Brethren, and reprove them without publick Scandal. These are the Laws that came from the Mouth of the Son of

F

God,

God, and which the Apostolical Constitutions acknowledge as the only Rules of Episcopal Proceeding. In a word, when *Jesus Christ* had instructed his Apostles in the indispensable Duties of Charity, he gave them the Power to Bind and Loose, to Teach all who have the Care of Souls that they are not to exert that Power, but in the last Extremity, and when all gentle Methods are ineffectual.

The Jurisdiction of Bishops it is certain, is founded upon this Power of Binding and Loosing: But this Power is to be made use of in the Tribunal of Penance for secret Faults, and in the Tribunal of Contention for open ones. So that notorious Scandal only, can give Grounds to cite an Ecclesiastick to the publick Tribunal of the Church.

The Civil Magistrates, who have Charge of publick Punishments, exercise Justice with Rigour; they narrowly search into Crimes, and punish them wherever they find them; no Distinction of Days can save the Guilty, save those set apart by Law.

But *Jesus Christ* in the Beginning told his Apostles, that this was not the Spirit which should dwell among them: *Non ita erit inter vos*, Matt. x. And, in truth, Bishops ought not to be severe Judges, but tender Fathers, who enquire into a Crime not with Intent to punish it, but, like St. *John*, run after the Offender to embrace him, to
bathe

bathe him with their Tears, and convert him; or if they exert their Authority, it should be only against the Obdurate and Rebellious.

Thus a Proctor acts in contradiction to the Spirit of *Jesus Christ*, the Rules of Charity, and the Honour of his Function, when he searches into Faults that are not subject to Punishment by reason of their long Standing, but should rather be looked upon as repaired; when he scandalises the Church by publishing secret Faults, which are subjected only to the Tribunal of Penance; and when he violates all Laws divine and human to oppress his Brother.

Such are the Rules of the Gospel, and such has been the Discipline of the Church in all Ages. A Council held at *Toledo* in the last Century, and a Council of French Bishops held at *Noyon* in 1565. prohibit Proctors from citing any Ecclesiasticks before the Tribunal of the Church, except those whom the Notoriety and Scandalousness of their Crimes has rendered infamous:

Promotor fiscalis apud Ecclesiasticum Judicem neminem deferat, nisi quem legitima ac frequens gravet infamia. These Councils farther ordain,

that before proceeding to the Information, the Infamy shall be attested by Persons of Reputation, whose Testimony may be relied upon: *Neque ex ea delatione Judices inquirere audeant, imo priusquam ad*

inquisitionem procedant, diligenter curent investigare an ea infamia a providis & honestis orta fuerit. And when the Pragmatick Sanction, the Concordat, and Council of Trent, mention Fornicators, they only speak in reference to those who have scandalised the Church by the Notoriety of their Crimes. But what are the Faults which the blackest Malice has invented against Monsieur des Rues? Faults which they suppose committed two, ten, twenty Years ago; Faults whereof Nobody ever had the least Suspicion. All manner of Persons attest the Honesty of the Defendant: People both of City and Country have been edified by his Discourses and Manner of Life; and all his Neighbourhood have bewailed his Imprisonment. They have not produced one Witness of Repute against him: So that the Defendant can boast, he has edified the Church of Christ, and if he has sinned in secret, it is God alone that must judge him, *Judicabit Deus occulta hominum, Rom. ii. 16. God shall judge the Secrets of Men.*

But since it is not to the present purpose to bring Instances of Defence against common Offences, the Cognizance and Judgment of which are brought before the Primacy, it is sufficient for the Defendant to have demonstrated, that his Enemies can impute no Prerogative Case to him; and farther

farther to unfold the Myſtery of the Proceeding, he has Matters of Fact to relate, that prove both the Animofity and Irregularity thereof.

PROPOSITION. II.

The injurious and unlawful Proceeding that has been carried on againſt Monsieur des Rues has Circumſtances contained in it which demonſtrate the Animofity of his Enemies, and Defects, that prove the Nullity of the ſaid Proceeding.

JESUS Chriſt, whoſe Kingdom is not of this World, has left no other Poſſeſſions to his Church but thoſe of the Spirit, no other Laws but thoſe of Charity. In the Time of St. Paul, the Jurisdiction of a Biſhop appeared in his Diligence to ſearch out Offenders, in exhorting them to Repentance, and ſeparating the Hardened from the Society of the Faithful; and in thoſe Times which are called the happy Times of the Church, Biſhops had no other Methods of Proceeding but by Prayers and Tears. The temporal Poſſeſſions which the Church now poſſeſſes have been given by earthly Princes, who being inſpired with religious Motives, have ordained,

that Ecclesiasticks, who are accused of Transgressions, should be turned over to their Bishops as to their Fathers, and should find Protectors even in their Judges; that so Offences might be punished without bringing a Scandal upon the Church.

Thus we see the Bishop's Court is a Court of Charity, where a Father summons his Children to appear for their Correction and Amendment; and it is called the Officialty (a), to signify that Offenders were received into it, more for their Security than Destruction.

But it is not only at this time of day, great Men have complained that Charity was become a Secular Virtue; and that Ecclesiasticks were become unfriendly Judges (b).

(a) According to the Remark of a Roman Ep. 17. Council under Pope Sylvester, in 324, the Secular Tribunal has the Appellation of *Court à cruore*, i. e. of Blood; and the Ecclesiastical is called *Prætorian*.

(b) Peter of Blois, in a Letter to one of his Friends who was Official of Paris: *Quia affectuosissime te diligo, in visceribus Jesu Christi proposita re salutaribus monitis adhortari, ut de Ur Chalcedorum & de medio Babylonis tempestivus exeat, & ministerium damnarum villicationis omittas. Credo hujusmodi Officiales non ab officio nomine, sed ab officio verbo mutasse vocabulum; tota Officialis intentio est, ut ad opus Episcopi suæ jurisdictioni commissas oves quasi vice illius tondcat, emungat, excoriat; ipsi enim Episcoporum sunt san-*

sanguisugæ, evomentes alienum sanguinem quem
hiberunt: ideo quasi sub umbra Episcopi & ob-
tentu justitiæ pallatæ subdites opprimunt, Eccle-
sias gravant. . . Officium Officialium, quorum
te numero aggregasti, hodie est jura confundere,
suscitare lites, suppressere veritatem, fovere men-
daciū, versutias concinnare. . . Verborum in-
fidiatōres, aucupes syllabarum tendunt laqueos,
jura interpretantur ad libitum, & ea pro volun-
tate sua nunc abdicant, nunc admittunt, diffamant
innocentes, &c. . . Si mihi credis, imo si cre-
dis in Deum, relinque maturius Officialis officium,
ministerium damnationis, rotam malorum, &
spiritum vertiginis qui te ad inania circumvolvit,
miserere animæ tuæ placens Deo, cui placere non
potes cum isto damnationis officio.

Because I most affectionately love you, I advise you,
for Jesus Christ his sake, to depart from Ur of the
Chaldeans and the Admist of Babylon, and quit that
damnable Employ. . . I fancy Officials have borrow-
ed their Title from the Verb officio, and not from the
Noun: The whole Intention of them is to fleece and
skin the Sheep committed to their Jurisdiction for the
service of the Bishop; they are Blood-suckers, spring up
the Blood of other Men which they gorge themselves
with, and oppress the Subjects and burden the Church,
under the Protection of the Bishop and Colour of Jus-
tice. . . The Business of Officials, among whom you
have enrolled your self, is at this time of day to con-
found the Laws, raise Dissensions, suppress Truth, che-
rish Lies, and devise Fallacies. . . They lay Snares
for Words and Syllables, interpret the Law to their
own liking, and either reject or admit as it makes for
their purpose, defaming the Innocent, &c. If you be-
lieve me, or rather if you believe in God, relinquish
immediately the Official's Employ, an Office of Dam-
nation, a Wheel of Evil, and a Spirit of Giddiness that
whirls you about to Vanities; pity your own Soul, and
obey the Lord, whom you cannot please while you con-
tinue in that Office of Damnation. Mon-

Monfieur *des Rues* has of a long time endeavoured to find out the true Reason of the Injury done him. He knows that in *January* laſt, after having ſeveral Times repreſented to His Eminency * the Condition of a Curate ſeparated from his Flock, and requested Prieſt's Orders to exerciſe his Functions, his Prayers and Tears could obtain no other Favour, but Permiſſion to make a juridical Demand for Leave to depart; that on the twenty-fourth of the ſaid Month he recited to his Eminency his Confefſion of Faith in preſence of two Notaries, alſo produced Atteſtations that were given of him for twenty-four Years paſt, and conſequently demanded Ordination, or Reaſons for the Refuſal: That upon entreating his Eminency on this Occaſion to declare what detained his Goodneſs from him, this Prelate ſo remarkable for his Clemency gave him a final Answer: *That he had nothing to ſay to him, and was not obliged to give an account of his Behaviour but to God alone*: But this cannot be accounted a Crime, to maintain his Rights and defend his Innocence. Monfieur *des Rues* will ever regard the Authority of a Biſhop, whom he ſtill reſpects as his Father; and under the Miſery of his Fetters that weigh him down, without having in his Heart thoſe

* Cardinal de Noailles, Archbiſhop of Paris.

those Sentiments of Vengeance which *Esau* conceived against his Brother, he has still the Boldness, like that Son in disgrace, to demand of him with the most respectful Confidence, If he has not one Blessing left to grant him: *Num unum tantum benedictionem habes, pater?* Gen. xxvii. 28.

This Passage of Scripture calls to Monsieur *des Rues*'s Remembrance, that in some Discourse where Monsieur *Issoire* was mentioned, he was heard to say, it was surprising that a poor Priest newly come from *Provence* should be so quickly provided of the Cure of *St. Marine* in *Paris*, and that, like *Jacob*, with his sweet and cunning Words he had carried off the Blessing which should have been reserved for the Children of the Diocese. If these are the Crimes they would punish in Monsieur *des Rues*, they should at least make mention of them in the Process.

Monsieur *des Rues* comes now to give the Court an exact Account of the whole Proceeding; and will leave no room to censure the Sincerity of his Memorial; since it is addressed to Judges from whom nothing should be concealed, and before whom his Enemies should also give an account of their Conduct. If Monsieur *Issoire* designed to give his Eminency a new Proof of the Zeal he had for his Service, upon this Occasion, it is but Justice to inform

form his Eminency of the secret Springs of the Affair, to the end that his Deputy may obtain the Recompence he deserves.

While Monsieur *des Rues* was in the Official Prison, a Servant of that Court gave him to understand on the behalf of Monsieur *Morre*, that if he wrote against him he would publish the Depositions. But if the Defendant durst presume to ask a Favour of him, it would be to print them, that the Publick might thereby know the Meanness of the Witnesses, and the Injustice of those that set them on.

From the Twenty-fourth of January last Monsieur *des Rues*'s Enemies continually represented to his Eminency, that the Step he took in regard to the Notaries was rash and presumptuous. For some Time the Fire only hissed and smoaked, but observe what gave Occasion to its flaming out.

Le Fort having told Monsieur *Dath* that *la Gantie*, with whom she lodged, had introduced her to several Gentlemen, as a Mistress, Monsieur *des Rues* opportunely reprimanded her for so doing; and, in order to purge the City of such a Monster, he desired an Officer of Police to take Cognizance of her, and give an Account of it to a Magistrate.

Upon

Upon this, that furious Woman, to revenge herself of Monsieur *des Rues*, wrote anonymous Letters to his Eminency, she presented Memorials against him to the *Official*, and took upon herself to supply Witnesses for the Information; and it was this Woman known throughout all *Paris* for Sharping and Bawding, who first began this Process.

Monsieur *Boyer*, a Provincial Priest, Assistant in the Parish of *St. Paul*, was picked out by Monsieur *Isoire* to make Inquiries against Monsieur *des Rues*. And since this Inquisitor has spread abroad such infamous Calumnies, it is but just that the World should be informed of his Management.

There is a particular Friend of Monsieur *des Rues* in the Parish of *St. Paul*, as remarkable for his Probity, as his two Daughters are for their Prudence. Monsieur *Boyer*, Solicitor of the Business, thinking that these young Women could not know Monsieur *des Rues* without knowing Crimes of him, and that he might take Advantage of the Tenderneſs of their Conſciences to engage them to swear against him, entered privately into this Person's House on the Sixth of *May* last. He caused the two young Women to go into a Ground-Chamber, shut himself up with them, and strove to irritate them
against

against Monsieur *des Rues* by Sollicitations and Threats, and under pretence of sparing them the Shame of appearing in Court, he shewed them a Paper full of Calumnies against him, telling them that if they refused to sign it, they should be committed to Prison. These young Women, being frightened and moved with Indignation, answered that they could testify no other-wise, than that they knew Monsieur *des Rues* to be a very honest Man; and upon their Mother's coming in, Monsieur *Issoire* was obliged to retire in Confusion.

About the same time Monsieur *Boyer* came to understand that a wholesale Sempstress had some Disputes about the Interest of Money with Monsieur *Merlier*; upon which he went to see her several Times: And to engage her to depose against Messieurs *des Rues* and *Merlier*, he remonstrated to her, that if Monsieur *Merlier* was put under an Arrest, she might make a good Hand of discounting the Notes she had given him; seeing he could no longer urge the Payment of them, and that in other Respects he would do her Service.

On Monday the sixteenth of May the same Inquisitor, after having supped with two Matrons in the Isle of St. Lewis, sent to seek for two young Women, under pretence of Work, who had been some-times

times observed to speak to Monsieur des Rues. He employed all the Artifice he was Master of, to animate those two young Women against the Defendant: But not being able to draw any Thing from them to his Prejudice, or keep them any longer, when it had struck Eleven, he engaged them to come to his House the next Day, where he renewed his Sollicitations and Threats. But all this Inquisitor's Intrigues have been in vain; and if he has not succeeded, he is nevertheless guilty by having attempted to suborn Witnesses. *Subornans de actu subornationis puniri potest, etiamsi testes recusaverint falsum deponere. Bertaz. conf. 218. n. 6.*

The Confinement Monsieur des Rues has been hitherto under has not given him Opportunity to discover all the Intrigues of his Enemies: But it is evident, that all honest People have attested his good Behaviour, and that he has been condemned upon the Depositions of three Persons of Ill-Fame, who have laid secret Faults to his Charge, which nobody ever heard talk of, and were transacted two Years before according to their own Confession.

Some of Monsieur des Rues's Neighbours having given him Notice of the Enquiry Monsieur Boyer made concerning him in the Neighbourhood, on Saturday May 13. he

went to the House of Monsieur *Iffaire*, Vice-Proctor, and Curate of St. *Marine*. He told him he was surprized at the Enquiry, and came to give him an Account of his Behaviour. Monsieur *Iffaire* received Monsieur *des Rues* with an Appearance of Friendship, and told him several Times that he knew of nothing against him, and that if any Thing happened, upon his Honour and the Faith of an honest Man, he would give him Notice of it. Monsieur *des Rues*, who is sensible that the Character of an honest Man is not Falshood; that the Language of Christians should be *Tra* or *Nay*; that the Mouth of a Priest should be the Sanctuary of Truth, thought it behoved him to rely on Monsieur *Iffaire*'s Word. But it is certain, that the Vice-Proctor two Hours after issued out a Process against Monsieur *des Rues*, and the Defendant was arrested the Day following.

On Sunday May 14. the Defendant was carried to the Officialty-Prison, about Seven of the Clock in the Morning, where he was refused the Favour to hear Mass.

In the Afternoon Monsieur *des Rues* was brought before the Official, *An Enquiry* who questioned him first as into the De- to his Behaviour among
ferdant's Mo- the Clergy of St. Paul's Pa-
rais for 20 rish from the Year 1703,
Years past. the Time of his Admittance
 into

into it, until the Year 1710, when he quitted it to go to the Seminary of Sens. Thus Monsieur *des Rues* has been examined as to all the Circumstances of his Life: In answer to which, he had the Happiness of being able to produce the Certificates of his Superiors, who at any Time had the Charge of his Behaviour.

The Statute of Orleans, art. 64. prohibits Proctors from assisting at Re-examinations and Confrontations; but it is well known, that Monsieur *Iffoire* was with the Witnesses in the Common Hall, and did not suffer them to pass into the Official's Closet till he had thoroughly instructed them; and it is positively asserted, that on May 16. in the Morning he walked some Time before the Gate of the Bishop's Court, having on one Side the notorious *Gautie*, and on the other the infamous *Bazindville*.

The Official spoke to Monsieur *des Rues* to employ a Proctor of the Court to prepare for his Defence, and the Defendant looked upon the quick Dispatch which this Judge offered to put to his Affair as a Proof of his Justice and Candour: But an Officer of the same Court informed Monsieur *des Rues* afterwards, that they intended at that Time only to hurry over the

Form of a Tryal, to procure the King's Warrant against him. But on May 17. the Court having taken Monsieur *des Rues* into its Protection, by accepting his Appeal against the Unlawfulness of the whole Proceeding, and having signified the Arret to the Clerk of the Bishop's Court the same Day, Monsieur *des Rues*'s Enemies contrived another Way to ruin him, by calling in the Civil Magistrates against him; and accordingly the Judges, at Monsieur *Issore*'s Request, came to the Bishop's Court, May 18. to carry on the Tryal jointly with the Officials.

They no longer advised Monsieur *des Rues* to draw up his Answer; the Proctor refused to see him, and only writ a Letter to him, which Monsieur *des Rues* still keeps, in which he sends him word, That the Arret of the Court will only irritate the Judges against him, and that he will proceed no farther without being paid. This Letter is genuine, and shews at the same Time both the Spirit of the Court, and the Covetousness of the Proctor.

Monsieur *Issore*, without reflecting that he scandalises the Church, defames his Function, and persecutes his Brother, contents himself with publishing every where that the Proceeding is lawful. But if the Proceeding is of his Management, he has

no Reason to complain if Monsieur des Rues imputes all the Errors contained in it to him.

For in the Affair of *Jeanneton le Port*, and in the Note of six Livres, either there is a Prerogative Case, or there is not. If there is not, Monsieur *Issore* is to blame for removing the Suit to the Civil Magistrate, who cannot proceed against an Ecclesiastick, but in a Prerogative Case; and if there is, we shall farther shew that the Proceeding is unlawful.

According to the Laws, the Ecclesiastical Judge cannot of himself take Cognizance of Prerogative Cases, under Penalty of annulling his Proceeding. Pursuant to the Edict of 1678. as soon as the Official meets with a Prerogative Case in the Course of the Information, he is obliged, under Pain of Nullity, to call in the Secular Judges before the Re-examination. These are the essential Rules of Proceeding, and the legal Maxims which Monsieur *Issore* has violated.

I. Judgment has been given against Monsieur des Rues by the Official alone, upon Presentation of the Bill; notwithstanding that, according to the Statute of 1529. Art. 92. the Edict of *Cremieux*, Art. 16. and of *Russillon*, Art. 10. the Cognizance of

Bills and Schedules can only be taken by the Civil Magistrate.

II. The prostituted *Gentle*, who gave Information of the pretended Seduction of *le Fort*, was re-examined and confronted, May 16. before the Sitting of the Civil Magistrate. It appears farther, that Monsieur *Issaire* was sensible of the Tenour of the Edict of 1678. for, as *Alexand* told Monsieur *des Rues*, the Mother *le Fort*, the Uncle *le Fort*, and the said *Alexand* were re-examined two several Times, to wit, before the *Official*, May 16. and the Civil Magistrates in conjunction with the *Official*, May 22. But, if the Vice-Proctor was sensible that the first Re-examination of the Evidences was void, and thought it necessary to have them examined a second Time before the Royal Judges, he must in consequence allow that the Re-examination and Confrontation of *la Gentle* without the Civil Magistrate's Concurrence, is null, and contrary to Law. And if the first Re-examination was null, conformable to the Decree of 1678, because it was done in the Civil Magistrate's Absence, we may farther add, that, according to a Decree of 1670. the second Re-examination was also null, since this Decree, *Tit. 15. Art. 6.* prohibits the Re-examinations to be repeated.

In short, Monsieur *des Rues* cannot forbear reflecting on what *Alphonse de Fort's* Uncle told him, *viz.* that he was sent for six Weeks after the Confrontation, To sign some Additions or Postscripts that were tacked to his Deposition. And the most favourable Conjecture that can be made, is, that Monsieur *Issire*, upon his Search into the Method of Proceeding, discovered several Errors in it, and corrected them the best he could.

If the Defendant could unravel the Mystery of the Proceeding, he is sure he might discover many Errors, as the Examination of Witnesses without an Order from the Judge, and such like. But he will be able to make them appear, when he comes to plead his Appeal of Error, and might actually assert that the Artifice has been stretched to the Crime of Forgery.

For *la Mace* acknowledged at the Confrontation, that she had been House-keeper to the Hospital for a long Time; nevertheless, she was assigned an Inhabitant of *Glossy-Lasquer Street* in *St. Paul's Parish*.

Le Fort was in a House of Refuge, May 20. when the Hospital-Coach brought her to the *Officialty*; which is confirmed by her Mother's Testimony, who declared, May 22. that her Daughter was in the Sister-

Sister-Hood. But her immediate Dwelling was assigned to *Mondetour-Street*.

Lastly, *Babet Bazinville* was Prisoner in *Fort-Leveque*, when she was brought to Court, *June 23*. her Mother lived in *Gratiere-Street*, in the Isle of *St. Lewis*; how came it then to pass, can any one think, to denominate this young Woman as an Inhabitant of *Swallow-Street*, unless to avoid inserting infamous Houses in the Proceeding, which had been sufficient to destroy the Depositions of the Evidences?

Monsieur des Rues has in his Possession certain Summons's given to the Witnesses, in which the Verger mentions the Order of *M. the Lieutenant-Criminal*, by way of Postscript, and expresses the Date by three Points; now, the Imputation of Ignorance is the smallest Fault that can be attributed to these Summons's.

It is certain, that Judges, especially those of the Church, should be more inclinable to admit Circumstances which are likely to prove the Innocence of the Defendant, than those that may prove him guilty; why then has not *Monfieur Iffoire* permitted one of all the Neighbours and honest Folks, who have attested the prudent Behaviour of the Defendant to be heard? And it must be confessed, that the Inquisitor *Boyer* has taken a deal of unnecessary Pains, in searching all the Houses
of

of Monsieur *des Rues's* Neighbourhood, without finding any other Witnesses but those of his Integrity, which he did not seek for.

Monsieur *Lombard* was cited, accordingly he appeared, and said many Things in the Defendant's Favour: But there was no Memorandum taken of his Declaration (a).

Mrs. *Lombard*, a Gentlewoman known to be scrupulously virtuous, deposed that she knew Monsieur *Merlier* as being one of her Husband's Friends, that she believed he was a very honest Man, and had only

(a) *Non autem probo, imo detestor quendam practicam quam servant multi Iudices, parum timentes Deum, qui dum recipiunt ac scripserint redigunt illud in testimonium deponentium, ad informationem Curiae, scribunt tantummodo ea quae faciunt pro Fisco: & si testis aliquid dicat quod exgravet delinquentem, omittunt illud scribere: male enim faciunt, quia debent investigare veritatem tam pro Fisco quam contra Fileam, neque aliquid omittere.* *Juli. Clar. lib. 5. sement. q. 23. m. 1.*

I detest a certain Practice which many Judges retain, without the Fear of God, who while they write down the Depositions of the Evidences for the Information of the Court, insert only those Things that make for the King, and if a Witness says any Thing that may excuse the Defendant, they neglect to write it: Truly they do ill, because it behoves them to trace out the Truth, as well for as against the King, and to omit nothing.

heard him utter a few *waggish* Expressions, though without Malice: But the Clerk writ down *very loose* Expressions, and in the Examination they questioned Monsieur *Merlier*, if he had not uttered *very lewd* Words. The Proof of this Circumstance is clear from the Process, where the Words *very loose* are still to be found, which Mrs. *Lombard* caused to be erased upon her Re-examination.

The Statute of 1670. *Tit. 6. Art. 5.* ordains, that Witnesses before their Deposition shall be questioned whether they are Menial, or Out-Servants, otherwise their Deposition to become void, and Charges, Damage, and Interest to be recovered of the Judge: But it is certain, that when *Barbelet* came to the Ecclesiastical Court in order to depose, they never demanded of him if he was a Domestick of Monsieur *des Rues*, seeing the Preamble to his Declaration makes no mention of that Condition; and it is as certain, that he was Domestick to him, having acknowledged it himself upon his being upbraided with it.

One of the Witnesses named *Lazoriere*, a despicable Creature, having declared that the said *Barbelet* had enquired her out with Design to bring her to the Defendant's

dant's House, two Years before, Monsieur
des Rues summoned the said *Barbelet* to at-
 test the Truth upon that Head, and the
 Man affirmed over and over again, that
 what *Lazoriere* said was all a Slander.
 Monsieur *des Rues* demanded a Copy of
 this Declaration, but Monsieur the Vice-
 gerent, who was upon the Bench at that
 Time, told him it was necessary to take
 it in writing, seeing the said *Barbelet* had
 not been summoned, but to confirm or
 invalidate what *Laroziere* had advanced,
 and that his Silence was sufficient to
 annul her Deposition: But as the Law
 ordains that every Word shall be written
 that is uttered at the Time of Confronta-
 tion, consequently they should have ta-
 ken a Memorandum of *Barbelet's* Affirma-
 tion, and not have contented themselves
 with passing him by.

The Deposition of this ancient Do-
 mestick, reminds Monsieur *des Rues* of the Prodiges and
 Miracles that are contained in the Proceeding; for the
 said *Barbelet*, aged seventy six Years, is almost deaf, his
 Sight extremely decayed, and his Memo-
 ry weakned to the last Degree by the
 Weight of Years: But they make him see
 in the thickest Darkness of the most ob-
 scure Night, they make him hear like a
 young

young Man that has all his Senses in full Perfection, and give him a Presence of Mind capable of recollecting Gallantries which they suppose were transacted two Years before.

They represent Libertines with Tears in their Eyes at a Time when they carried their Lewdness to such a Pitch as to glory in the very acting of it; and notwithstanding the Deposition makes Mention of their weeping, Monsieur *des Rues* saw nothing else in their Countenances but Mirth and Gladness.

In short, Girls who can neither read nor write, have learned from the ecclesiastical Court, to become elegant Poets and fluent Orators. Inſomuch, that there may be found in Monsieur *Iſſaire's* Proceedings the Gift of Miracles, the Gift of Tears, and the Gift of Tongues: But it had been more becoming to have found therein the Gift of Truth, and the Gift of Charity.

Monsieur *des Rues* remembers a Passage in the Deposition of *Le Roy, jun.* who complaining of the hard Bargain she supposes she had made with the Defendant, declaims in the Stile of an Orator, that the *Sieur des Rues*, when he tendered her the Bill, told her that it was but a Trifle, to what he intended to do for her; that she refused it a long Time: But at length being obliged to comply through
the

the Weight of her Necessities, and being flattered with the Hopes of farther Succour which she expected to find in his unbounded Generosity, she thinks her self obliged, by the Oath she has taken in the Presence of Almighty God to confess the Truth, though she cannot utter it without Confusion, and bursting into Tears, that she did, &c.

We would know of Monsieur *Issaire* how this young Woman, who calls her self the Daughter of a poor Vine-dresser, and cannot read, has found out such well-disposed Phrases: But the Actor was to play the Part of a virtuous young Woman who had been over-reached, and the ready Prompter furnished her with elevated Sentiments, quaint Expressions, and penitential Tears. However, Monsieur *Issaire* should be informed, that in Depositions the Stile ought to be plain and simple, because Simplicity is the Companion of Truth; and should be drawn suitable to the Capacity (a) of those who are the Deponents.

H

At

(a) Judices in capiendis informationibus debent scribi facere quidquid deponunt testes, tan contra reum quam ad sui favorem, & etiam contra Fiscum; nec aliquid debent addere, vel diminuerre depositionibus testium, sed attestaciones suas, secundum eorum verba materna & prout dicta sunt, per eos extendi facere, & non aliter; alias re erunt gehennæ. Foller. in pract. crimin. n. 54.

When

At length Monsieur *Issoire*, tired with the Pains he had taken for two Months to form a Procefs, which he looked upon as a Master-piece in the Function of his Vice-Proctorship, gave the Defendant notice to put in his Answer. Upon which Monsieur *des Rues* delivered it accordingly, June 30. But the same Night about Nine of the Clock, Monsieur *Issoire* went to the House of Monsieur *Frain*, Monsieur *des Rues*'s Proctor, and in concert with the said *Frain*, he tore off the Explication inserted at the Conclusion of the Memorials, and even of the original one that was lodged in the said Proctor's Hands. Monsieur *Frain*, whose Integrity the Defendant cannot chuse but applaud, brought, himself, to Monsieur *des Rues*, the cancelled Papers; upon which the Defendant complained to his Eminency, that the Expedients of his Defence were rejected, and the Titles of his Justification torn and dismem-

When Witnesses are giving in their Informations, the Judges should cause whatever they say to be writ down, as well in favour of the Defendant as against him, and also against the Crown; neither should they add any thing to the Depositions, or diminish from them, but draw them according to their original Words, and exactly as they were delivered; otherwise the Suit will be perplexed with Intricacies.

dismembered, though sacred in themselves by the Rules of Justice. Upon this Monsieur *Frain* was ordered to continue his Affiduity for Monsieur *des Rues*'s Service, and his *Memorial* was presented a second Time; all which was proved at his Trial, one half of the torn Page being still to be seen, and Monsieur *Frain*'s first *Subscription* blotted out.

July 5, Monsieur *des Rues* underwent the last Examination, when a strict Scrutiny was made into the very Intentions, and most secret Thoughts of his Soul, without considering, that God alone is the Searcher of Heart, and that the Church cannot judge the inward Recesses of the Soul: *Ecclesia non judicabit de internis*. The Official put the Question home to Monsieur *des Rues*, whether he had not changed a Chapel that belonged to him at *S. Germain l'Auxerrois* for another situated in the Diocese of *Beauvais*, with Intention to take Advantage of that Prelate's Candour, to obtain Priest's Orders; and upon Monsieur *des Rues* making answer, that supposing he did so, it was not done by him only, but often practised in the Diocese of *Paris* in favour of many Clergymen, who so contrived it in Spite of their Bishops; the Official peremptorily required him to declare his Intention, in default of which he

The Defendant is questioned as to his Intentions.

threatened to give *Judgment* against him; but the Defendant thought proper to answer warily, by protesting against the *Judgment*, reserving to himself the Declaration of his *Intentions* to his Confessor only.

At the same Examination Monsieur *des Rues* demanded of the Official a Copy of certain Evidences in this Process, as first the Deposition of *Barbelet*, done before the Vicegerent, and that of *Jeanreton le Fort*, sworn before the Official. Care was peculiarly taken to write down all that the Defendant proposed; nay, moreover, they were so sensible of the Justice of his Demands, that they thought proper to give *Judgment* against him without having regard to his Requests, or without doing him justice as to what he required.

Monsieur the Official's Sentence was notified to the Defendant, *July 6*, about nine of the Clock at Night, against which he entered a *Protest*, and was immediately removed to the Prison of the *Chatelet*. The Common-Hall Gates were opened to collect the Populace whom the Rain had dispersed, and the Defendant was by that means made a Spectacle to two hundred People and upwards: But the Remembrance of our Blessed Lord, who was reviled in the Palace of the High-Priest, animated Monsieur *des Rues* with Christian Patience;

Patience ; and the Chains of his Captivity only confirmed the Cruelty of his Enemies.

It was Monsieur Maurice, titular *Vergier* of the Cathedral of *Paris* and Senior of the *Sergeants* of the *Officialty*, who removed Monsieur *des Rues* to the Prison of the *Grand Chatelet*. But we would fain know by what Authority he could confine the Defendant at the Request of the King's Proctor only, whose Orders he is not empowered to execute ; since the Proctor-Royal had no Hand in the Proceeding, and even refused to be concerned in it, by Virtue of the Official's Sentence, which does not make the least Mention of his Power ; but more especially since not any Official has a Right to confine a Clergyman in a Prison belonging to the Civil Magistrate. The Authority of the Ecclesiastical Judge terminated with his Sentence ; it belonged to the King's Proctor to take care of the Defendant's Removal ; and that Step should not have been taken by any other but a Civil Officer : In short, the Vice-Proctor is not to appear in a Court of Civil Justice but to make Intercession, and not to put a Brother in Chains with his own Hands, whose Destruction he had sworn.

It seemed probable, that the Sentence of the Officialty might have put an End to the Officiousness of Monsieur *Issire*. But the vile Character of the Witnesses whom he had employed daily renewed his Inquietude; in so much, that after Monsieur *des Rues* was turned over to the *Civil Magistrate*, the Vice-Proc-tor continued to make Inquisition after him. It will be sufficient at present to mention a Counsellor, as remarkable for his Integrity as his Learning, in whose Company he inveighed most bitterly against Monsieur *des Rues*, in hopes of making him lose an old Friend, whose Service he stood so much in need of.

But behold a new Stratagem: To have a *A violent Step of Monsieur Issire's against an House-keeper, Friend to Monsieur des Rues.* Friendship for Monsieur *des Rues*, is to be Monsieur *Issire*'s sworn Enemy. For, in July last, Monsieur *la Martiniere*, being with some good Company in the Garden of the *Ile Louvier*, he saw a young Woman, named *Angelica Daniel*, who was prostituting her self in a Room with one *Letang*, a Woollen Draper's Prentice, and accompanied by her own Mother: Two of the Gentlemen out of Curiosity drew near the Scene of Action, and the little Punk being surprized in an indecent Posture, her infamous Parent, who

who stood Pimp, not being able to make any Excuse, thought it her best Way to scold at the two Gentlemen; who instead of returning her any Answer, gave her a Box on the Ear, which was looked upon as the just Reward of her Insolence, and she was obliged to withdraw in Confusion. This Woman went the next Day to the inquisitor *Boyer*, and he himself attended her to a Commissary to make her Complaint: But it being obvious that a clear Understanding of this Affair had turned to Monsieur *Issoire's* Disadvantage, by discovering the Baseness of the Witnesses, that crafty Priest represented to the Magistrates, that two worthy Persons had been insulted for no other Reason, but because they had deposed against two Ecclesiasticks who were under Prosecution; that his *Eminency* in order to uphold the Authority of his Court, demanded the King's Warrant against the Gentlemen who were at that time in Company, and accordingly the Warrant was granted; and on the First Day of *August* Monsieur *Martiniere* was arrested at the King's Suit, and carried to *Fort-Leveque*.

The Imprisonment of this Gentleman, who had a large Family, was the more melancholy, because the Misfortune of the Times had reduced him to live upon a small employ. His disconsolate Wife immediately implored the Protection of Monsieur

sieur d' Ombrevalle, who advised her to address herself to his Eminency, or to Monsieur *Iffoire*. She followed that Magistrate's Directions, and went instantly to the Vice-Proctor's House, who informed her, without doubt, that he was the Person who caused her Husband to be arrested, and intended to have him punished for insulting *Angelica Daniel* and her Mother, whom he took under his Protection, as being Evidences in a Cause under his Jurisdiction. Mrs. *Martiniere* observed to him, that the Wench was very unworthy of his Protection, seeing her lewd Life was so publickly known, and that she had the Character of a thorough-paced Strumpet in all Kinds of Debauchery. Monsieur *Iffoire* exclaimed vehemently against those Remonstrances, and refused to set her Husband at liberty, but upon condition that she should speak well of that young Woman, who, he said, ought to be respected as being an Evidence of the *Officialty*. The despairing Wife hastened with her Children to throw herself at his Eminency's Feet, and to request her Husband at his Hands. The Tears of her numerous Family having moved his Grace to Compassion, he told them that he had no hand in Monsieur *Martiniere's* Imprisonment; and having sent for Monsieur *Iffoire*, he ordered him to go himself and solicit M.*d'Ombrevalle* to set the

the Prisoner at liberty ; which was not agreed to till the eighteenth of the said Month : So that Monsieur *la Martiniere* continued eighteen Days fettered in a Prison, where his Children never came to see him, unless to pierce him with their Cries, and fearing the Loss of his Employ, which was the only Support of his Family.

The Recital of this Affair is true beyond Contradiction, Monsieur *des Rues* having had all the Circumstances of it from the Mouth of Mrs. *la Martiniere*.

Is it not evident from hence, that Monsieur *Iffoire* has abused the Authority of his Eminency ? Has he not vilified the Honour of the Clergy ? And has he not oppressed an innocent Family, to become the Advocate of abandoned Women ? Monsieur *des Rues* pardons from the Bottom of his Heart the passionate Expressions he has vented against him in Company of Madam *de Valmon* and others, when stamping his Foot on the Ground he cried out, *that he would crush him to pieces, and utterly destroy him.* But in justice he should spare his Friends, and turn all his Anger against him only, since himself was to be made the Object of his Revenge.

As People of Reputation have justly complained of Monsieur *Iffoire*, so those of a mean Character who have appeared against the Defendant cannot enough praise his

his Good-will towards them. *Jeanneton le Fort* has taken shelter under his Protection, and Nobody is allowed to speak with her but himself; so that a venerable Priest, who went to talk with her on the twenty-third of *August* last, was told, that he must first have an Order from the Vice-Proctor.

He entered *Angelica Daniel* one of the Community of the Sisterhood of *St. Martha* in the Suburb of *St. Anthony*: But as he designed by this means, though in vain, to reclaim her from her lewd Behaviour, it is plain that he had no grounds to insist on her Honesty: For like *Quartilla in Petronius*, she has forgot that ever she was a Maid, and the Remembrance of her past Crimes, which Charity forbids us to reveal, makes the whole Neighbourhood she lived in consider her as a Nursery of Lewdness.

The unhappy *Gautie* is universally known, the whole City has rung again with her Debaucheries; both Religious and Civil Magistrates are informed of her loose Carriage: But Monsieur *Issoire* thought he was obliged in Honour to protect her; and indeed if he had not defended her Conduct, she had been long since turned out of Doors by her Landlady.

Thus has Monsieur *Issoire* publickly declared himself the Patron of Prostitutes, and cannot deny but that he has often been at *la Gautie's* Lodgings: Like him we read of

in the *Life of Robert d'Arbricelle*, who was for establishing a new Species of Martyrs in the Church; and like another in the *Life of St. Vitallian*, who frequented the Stews in order to gain Experience; from whence we are taught to revere every Transaction of the Saints. Monsieur *Issoire* cannot therefore take it ill if he should be told, that he is looked upon as a beautiful and fragrant Flower, though his Root may be in the Dunghill; or rather like the Sun which penetrates into the most filthy Places, without rebating his Purity or Splendor.

*Excuse of
Monsieur
Issoire
refuted.*

Monsieur *des Rues* often complained that they brought Nobody to appear against him but Prostitutes, whom he either had not any Knowledge of, or no other than by the scandalous Character they bore in his Neighbourhood. Monsieur *Issoire* excused himself, by alledging they were necessary Agents; that is to say, the ready way to ruin the Defendant, was to procure Witnesses whom they could document as they pleased; and so far Monsieur *des Rues* agrees with him, that wicked Persons are the most necessary Agents to depose against the Truth. But the most justifiable Method to have known whether Monsieur *des Rues* was suspected of harbouring loose Women in his Apartments, or whether he cohabited

habited with them elsewhere, was to have consulted his Neighbours, and to be informed of the Reason why *Jeanmarion le Fort* absented from Home, they should have examined Monsieur *Dath*, under whose Roof the first Plan of this Plot was concerted and put in execution. The way to have known whether she was a credible Witness, was to have examined the Persons mentioned in her Deposition; they were the fittest Witnesses to discover the Truth, as being well informed of the Circumstances they enquired into, and had it in their Power either to disprove or confirm this Deponent's Assertions. But such Witnesses would have upheld Monsieur *des Rues's* Integrity, while these sought only for convenient Evidences to destroy him.

If Monsieur *Iffore* had any Design to enquire into Monsieur *des Rues's* Life and Conversation, he should have consulted the Curates, Doctors, Vicars-General and Principals of Colleges, who were well acquainted with his Conduct, and whose Testimonials of his Behaviour for twenty-four Years past Monsieur *des Rues* has produced: Also the Noblemen in whose Families he has had the Honour to reside, the many eminent Clergyman who have been his Friends: In a word, all the Persons of Honour and Piety who have been daily Wit-

Witnesses of his decent Behaviour. These are the Evidences they should have applied themselves to, and not to common Prostitutes, whose Testimony is rejected by the Authority of all the Laws (a), and with whom Nobody can say Monsieur des Rues ever changed a Word.

It must be allowed, that sometimes there is a Necessity to admit the Depositions of exceptionable Witnesses: But the most Learned of the Law hold, that it should not be permitted but upon these Conditions; viz. I. When the Truth cannot be discovered by any other Methods. II. When they are Parties in the Case they

I appear

(a) Testes autem considerantur natura & vita: vita, si innocuus & integer actu; nam si vita bona defuerit, fide carebit. Cap. Forus de verb. signif. de test. lib. 5 cap. 40.

Witnesses are to be considered as to their Qualities and as to their Manner of Life: Whether their Behaviour be innocent and upright; for if their Morals be bad, their Credit cannot be depended upon.

Mezeray, in his History of France, 4to. Vol. 1. p. 486. speaking of the Discipline of the Church in the Eighth Century, and of the Customs of France in respect to the trying of Ecclesiasticks, says, that vile and exceptionable Persons were not permitted to appear against them, that there was a Necessity for 12 unexceptionable Witnesses to convict a Bishop, 40 for a Priest, 37 for a Deacon, and seven for those of an inferior Rank.

appear for. III. When there is but one false Step to be laid to their Charge. IV. People of tainted Reputations are deemed Enemies to Honour and Truth in so great a Degree, that their Attestations are not to be credited, unless they confirm the Veracity of what they assert by enduring the Rack. V. The Lawyers farther maintain, that the Testimony of any Number of such-like Witnesses shall not amount to a Proof against the Person accused (a).

Now if we apply these Maxims to Monsieur *Issore's* Proceeding, what Opinion must we have of those scandalous Witnesses who speak of Faults committed, as they suppose, upwards of two Years ago, and only bring themselves to Shame in open Court, if they had Grace enough to be ashamed of it; they are the only Vouchers in their own (b) Cause, and expect to be believed

(a) In casibus in quibus testes inhabiles admittuntur, non probant plene, sed solum faciunt qualem qualem probationem. *Aret. in cap. Cum nuntius Gratiani* conf. 39. n. 12. *Alex. conf. 64. Sec.*

In Cases where improper Witnesses are admitted, their Depositions do not amount to a convincing Proof, but only make a doubtful one.

(b) *Gratian in his Decree, Conf. 15. Quest. 3. establishes this Maxim, That a Woman is not to be believed who accuses a Clergyman of having had carnal Commerce with her, unless there are other Proofs brought to justify the Assertion.*

believed on their bare Word; their Habitations are Houses of Restraint, where their lewd Courses have brought them; they prevaricate and contradict themselves; they have been sought for, solicited, wheedled and threatened; in fine, they have all the Properties that compleat vile Women and false Witnesses.

There never was the least Complaint heard against Monsieur des Rues till the Month of May last. The Fourteenth of the said Month, which was the Day of his Imprisonment, was the Commencement of the Scandal that has happened to the Church, occasioned by the Process carried on against him. And here Monsieur des Rues may properly apply the Words of Nicholas de Clamengis, Archdeacon of Bayeux in the time of Charles VI. who complained, that the false Zeal of Proctors often gave rise to great Evils in the Church.

Charles VIII. An. 1485. in order to suppress the Injustice or indiscreet Officialness of those mistaken Zealots commanded his Ecclesiastical Proctors to assist every Wednesday and Saturday at the Officialty. And as Monsieur Issac is a Provincial Priest, he must allow Monsieur des Rues to put him in mind of the Regulation of 1525. which Francis I. made particularly against Provincial Proctors, in which Art. 27. it was ordained that the King's Proctor should inspect

spect the Registers and Proceedings of the Provincial Officialties once a Week.

Hence we may see that long before this time of Day our Kings have been of Opinion, that their Subjects stood in need of the Civil Magistrates Protection to reform the Abuses of Ecclesiastical Proceedings. Monsieur *Iffire* therefore cannot blame the Defendant for having cited him to appear before the Secular Judges, who are the Sovereign Umpires of the Nation, and Guardians to the Canons of the Church. He takes him to be his only Adversary, seeing he makes it his sole Business to prosecute the Suit, whereof he has been the only Plaintiff, as also of his Imprisonment in the common Jail.

Monsieur *des Rues*, far from dreading the Power of the Magistrates who are charged with publick Punishments, is pierced with a deep Sense of the most respectful Acknowledgment toward them; because he considers them as Protectors come to his Assistance, and not as his Accusers.

The Reigns of Princes are distinguished by the Glory of their Victories; the Discharge of a Magistrate's Employ by the Equity of his Judgments; and the Episcopacy of Bishops is immortalized by the Proofs of their Charity. How much then will Posterity be confounded to find, that a Deacon,
and

and Graduate in Divinity, who had so fair a Reputation in the World, was arrested, persecuted, and crushed, without receiving the least previous Advice, in the Time of a Bishop so remarkable for his Goodness.

Monſieur *Worra*, Vice-Proctor and Cudrator of *St. Marine*, foreſees already, that the Juſtice of this awful Tribunal will deſtroy all his Hopes of Triumph, and prove a Bar to his Animofity; he is ſenſible that there is no Prerogative Caſe in the Proceſs, and that there are divers Errors in the Courſe of his Proceeding; he alſo knows that the Defendant has moved for Leave to make Proof of ſeveral Facts related in this Memorial. For which Reaſons he places his chief Truſt in an Order from the higher Powers, with which he threatens Monſieur *des Rues*, intending to ſtop his Mouth, and put him out of a Condition to purſue his Defence. But ſince the Court has taken the Defendant under its Protection, by bringing before themſelves the Cognizance of his Affair, and permitting him to chuſe whom he pleaſes for his Advocate, Monſieur *Worra* ſhould prepare to give an Account of his Conduct before thoſe Magiſtrates, and not endeavour to force a Clergyman from the Protection of thoſe Fathers of the People,

People, who has no other Prospect of Refuge but from their Authority and Justice.

Monsieur du Rue, amidst the Honours of the Prison wherein he is confined, ceases not to implore Grace of the Lord, and Justice of the Magistrates. Prostrating himself before the King of Kings and Judge of Judges, comforted by the generous Hope which Religion inspires him with, he continually repeats those excellent Words which the Royal Prophet made use of in the Time of his Persecution, according to the Hebrew Text, *Judge me, O Lord, plead my Cause, be my Advocate and my Judge; deliver me from this merciless and uncharitable Generation; succour me against the envious and perverse Man.* Psal. 43.

Signed,

DES RUEs de Boudreville.

AL. DIERES, Advocate.

FINIS.



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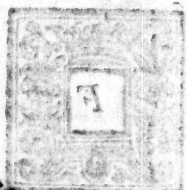
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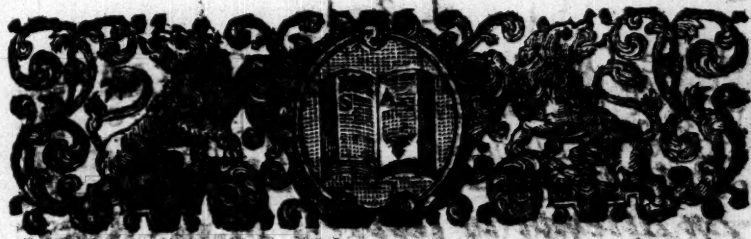
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The Legal
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THE
MANDATE

Of his EMINENCY

Cardinal de NOAILLES,

ARCHBISHOP of *Paris*.

Upon Occasion of the Miracle wrought
in the Parish of St. Margaret,
May 31. being the Festival of
Corpus Christi.



ERNEST ANTHONY de
NOAILLES, by divine
Permission, Cardinal-Priest
of the Holy Roman Church,
under the Denomination of

St. Mary on Minerva, Archbishop of Paris,
Duke of St. Cloud, Peer of France, Master

of the Order of the Holy Ghost, President of the *Sorbonne*, and Superior of the House of *Navarre*. To all the Faithful of our Diocese HEALTH and BENEDICTION. The Greatness and Goodness of God, says St. *Augustine* *, appear no less in the Manner, by which he governs the World according to constant and uniform Laws that he himself has established, than in the Miracles and Prodigies he works in deviating from those same Laws. In effect, does he act less like God, when he nourishes us, as he does every Day, in multiplying the Grains of Corn, by the Fruitfulness he gives the Earth, or when he feeds five thousand Men by the miraculous Multiplication of five Loaves and two Fishes? These different Wonders, are they not equally the Works of God, equally worthy of our Admiration and Homage?

But, according to the Remark of the said Father, a Man accustomed to the amazing Spectacle of the Order of the World

* S. Aug. serm. 126. de verbis Evangelii Joann. 124. Quotidiana Dei miracula non facilitate sed assiduitate viluerunt --- utraque miranda sunt, quia opera Dei sunt.

Idem tract. 9. in Joannem 1. tract. 24. 2. 1.

Idem de Utilit. credendi, c. 16. serm. 247. n. 2. c. Faustum, l. 26. c. 3. l. 29. c. 2.

World and Nature, continually exposed to his View, does not consider it but with Indifference, and a kind of Insensibility; he is no more touched with those surprising Objects, because they are common; the singular Effects of the Almighty Power of God, those Effects that are produced contrary to the ordinary Course of Nature, are the only ones he admires, because they are unusual.

It is profitable then that God, from time to time, awake us, and call us back to himself by those Marks of his Power, that distinguish and characterize the Actions peculiar to the Creator, and surpass the Power of second Causes.

'Tis thus, says St. *Augustine* *, that God, by visible Miracles, in order to fit himself to our Weakness, *excites us to believe Things that are invisible.* 'Tis thus that (according to the wise Order of his Designs) when he would declare important Truths to Men, or impose new Laws upon them, he makes our Spirits and Hearts tractable by the sensible Proofs with which divine Revelation is accompanied.

Such is the Conduct God has observed in the Establishment of the antient Law

B 2

that

* S. Aug. Ep. 120. n. Edit. n. 5. Opus est ad invisibilium fidem, visibilibus miraculis excitari.

that he gave to his Servant *Moses*, and in the Establishment of the new Covenant, of which Jesus Christ is Mediator and High-Priest; the Holiness of both Covenants, the comfortable Objects they present, the divine Mission of *Moses*, and that of the eternal Son of God, have they not been proved by Prodigies as conspicuous as certain, capable to convince and bring over all those that make use of their Reason?

These Miracles, as St. *Augustine* has observed *, were necessary before the World believed, to determine Men in their Belief: So they were very frequent, and in great Number, in the Days of *Moses*, and at the Birth of Christianity.

But since that the Faith in Jesus Christ, founded upon so many Prodigies, and so many Proofs, has been spread abroad, and confirmed in the Universe, we have no Reason to expect at this Time of Day, that God should work the Miracles before our Eyes that converted our Fathers †: And

* S. Aug. l. 22. de Civit. Dei, c. 8. miracula priusquam crederet mundus, necessaria fuisse ut crederet mundus.

† S. Aug. serm. 88. tom. 5. lib. de vera religione, n. 47. Accepimus majores nostros eo gradu fidei, quo à temporalibus ad æterna conscenditur, visibilia miracula secutos esse, per quos id actum est,

And 'tis for this Reason, continues St. *Augustine*, that the miraculous Operations, so common in the Times wherein God purposed to overthrow Idolatry, plant the Christian Faith, and establish his Church, have been less frequent in the following Ages, since the Christian Religion has been embraced by all People, and the Church of Jesus Christ acknowledged for the Mistress of Nations, to whom we must pay Obedience: Nevertheless, Miracles are not entirely ceased, because they are always necessary to keep up and revive our Piety.

Thus, say the holy Fathers, when we lay our Hands on those that are baptized, in communicating to them the Holy Ghost, we do not at all communicate the Gift of Tongues and Miracles, as in the Apostolical Times; nor does the Shadow of those that at this Day preach Jesus Christ, cure the Sick, as did the Shadow of St. *Peter*.

But, says St. *Augustine* *, though Jesus
 B 3 Christ

S. Aug.
 l. i. re-
 tract. c. 7.
 S. Aug.
 Ibid.

est, ut necessaria non essent posteris, cum enim Ecclesia Catholica per totum orbem diffusa atque fundata sit, &c.

* S. Aug. l. 22. de Civit. Dei, c. 8. Nam etiam nunc fiunt miracula in nomine ejus, sive per Sacramenta ejus, sive per orationes, vel memorias sanctorum ejus.

Christ at present works Miracles less frequently, he still continues them by his Sacraments, by the Prayers of the Saints, and by their Reliques preserved in the Chapels dedicated to their Honour, which they formerly called *Memorandums of the Martyrs*. And the same Father, in his Book of the *City of God*, after having spoken of the Miracles wrought at *Milan*, of which he had been Witness, S. Aug.
l. 20. de
Civ. Dei,
c. 8. gives an Account of Seventy wrought in the Church of *Hypone*, by the Sign of the Cross, by the Reliques and Invocation of *St. Stephen Martyr*, and by the Holy Eucharist.

God was willing, by those Prodigies, to teach Men to respect the Sacraments of Jesus Christ, and put their Confidence in them, to revere the Sign of the Cross, to regard the Invocation of Saints, and have a Veneration for their Reliques, as useful holy Practices, and which were agreeable to him.

But as Jesus Christ has given us in the Eucharist (one of the principal Mysteries of our Faith) the most precious Pledge of his Love, the Object of Worship, the Prop of the Piety of the Faithful, he has been at all Times pleased, as we shall hereafter shew, to signalize his Power after the most sensible Manner, in the
Sacrament

Sacrament of the Eucharist, by Miracles fitted as well to establish the Truth of the Catholick Faith, as to inspire Men with the Sentiments of which they should be perswaded for this solemn Mystery.

This is the Fruit that we should draw from the miraculous Cure that God has wrought by the Sacrament of the Altar : A Prodigy, which, after the Example of *St. Ambrose*, we look upon as a Blessing of Heaven, with which God has been pleased to honour our Bishoprick, and as a Grace of which it is not possible for us, or the People committed to our Charge, to keep silence, and be indifferent. Can the Pastor, without Ingratitude, bury in Oblivion the Marvails of God ? Can the Faithful come to the Knowledge of them without edifying, or without being touched with Acknowledgment and Admiration at the Sight of the Marks of the Power and Bounty of God, that appear before their Eyes ?

5. Ambros. Epistola ad Marcellinum 22.

'Tis then of Importance to the Glory of God, beloved Brethren, for your Edification, for that of the whole Church, for the particular Good of our Brethren reunited, that you should know exactly the Circumstances of the miraculous Fact which has appeared, that you may from thence

thence draw the just and natural Consequences it offers, and be informed of the Precautions we have taken to ascertain the Truth of the Fact, and to transmit it to Posterity with the same Exactness, which our *Fathers* have observed to hand down to us Miracles of the same Nature, of which they have been Witnesses. ¶

The Woman, in Favour of whom God has wrought this Miracle, is named *Anne Charlier*, Wife of Mr. *de la Fosse*, Cabinet Maker, aged forty-five Years, a Native of *Paris*. 'Tis affirmed in all the Places where she has lived, and particularly in the Parish of *St. Margaret*, where she has been settled for twenty Years past, that her Behaviour has always been Christian and Edifying.

'Tis near twenty Years since God afflicted this Woman with an Issue of Blood, which for the seven last Years was become so continual, so violent, and obstinate, that the Attempts made, in order to the Cure, were as useless as dangerous.

For eighteen Months her Weakness would no longer permit her to walk, not even with Crutches, nor to endure the Light: The smallest Motion made her faint away; she could scarce remain in Bed, by reason of an extreme Pain in her Side, and was forced to be lifted

ed, though but from Bed, to her easy Chair. She caused herself to be carried in a Chair to the Foot of the Altar the Monday which preceded her Cure, in order to receive the Holy Sacrament: She was not able to kneel, but while supported by two Persons; and they carried her back from Church almost dead.

Her Infirmary, being known to a great Number of Persons as well in the Suburb of *St. Anthony*, as in several other Parts of *Paris*, was become universally publick; and threescore Witnesses, worthy Belief, attest the Circumstances we are going to point out to you. The Truth of her sudden Cure is no less remarkable, and no less credibly attested.

Being incited this Year through a strong Desire, and a lively Faith, to ask her Cure from Jesus Christ, when the Procession of the Holy Sacrament passed before her House, she communicated her Design the Monday before to the Priest she had confessed to for ten Years, who advised her not to tempt God by requesting so publick a Cure, but to content herself with praying Jesus Christ to cure her in Communicating. She followed this Counsel: But God, who was minded to render this Cure more conspicuous, and more serviceable, did not vouchsafe to hear her at that Time. Perceiving herself

self more disordered than before, she persisted in the Resolution of addressing herself to Jesus Christ, the Day of the Holy Sacrament, when the Procession was to pass before her Door. On the Morn of this Solemn Festival, a Woman born in the Protestant Religion, whom the Diseased knew for a long Time, came to visit her; and finding her dismayed, by the Augmentation of her Disease, exhorted her to put all her Confidence in Jesus Christ; she represented to her, that the Son of God, being risen from the Dead, and ever living, was no less powerful in Heaven than in Earth; that he could heal her as he had healed the Woman troubled with the Issue of Blood, the Man born blind, the Paralitick, and many others; that she had nothing to do but invoke him with the same Faith, that those Diseased were possessed with.

Mistress *de la Fosse*, strengthened with this Discourse, resolved to follow the Motion that God had put in her Heart, and to beseech her Cure of Jesus Christ, not of Jesus Christ present only in Heaven, (according to the Advice of the new Convert,) but of Jesus Christ really present in the Sacrament of the Eucharist, according to the Faith of the Church. Animated with these Sentiments, she caused herself to be carried into the Street: The new Convert

vert retired immediately into a neighbouring House, where many other new Converts were assembled, and where God permitted they should be, to be entirely convinced of the Miracle he designed to work, perhaps more for theirs than for the sake of the Diseased.

As soon as she came to the Door she found herself extremely ill, not being able to bear the Air, nor the open Day. But when they said to her, *Behold the holy Sacrament*, she endeavoured to throw herself on her Knees, but fell upon her Hands, crying, at the same Time, *Lord, if thou wilt, thou canst heal me! I believe that thou art the same who entred into Jerusalem. Pardon me my Sins, and I shall be healed.* She crept upon her Hands and Knees some Steps, continually crying, *Jesus Christ, thou canst heal me.* The People, astonished at the Spectacle, seemed offended to see a Woman follow the Holy Sacrament crawling on the Ground, and crying with a loud Voice: Some thought she was drunk or mad; others that she was troubled with the Falling-Sickness; and all pressed her to retire: Her Faith was not at all cooled by those Obstacles, nothing could hinder her from going on, and invoking Jesus Christ, crying out, *Why do you hinder me from following my God?*

God? and her Faith was in a short Time rewarded.

Perceiving her Heart to strengthen all of a sudden, she lifted her self up, being still supported by the two Persons that had accompanied her; and on the sudden, finding her Body inclinable to fall again, she cried more vehemently, *Lord, suffer me to enter into thy Temple, and I shall be healed.* She also desired them that supported her, to let her go, being persuaded in herself that she could stand firmly. They saw her actually walk among the Crowd of People, and follow the Host. Struck with Surprize, and expecting to see her tumble every Moment, they offered her their Hands and Arms to support her: But this Precaution was needless; she walked alone and without Support to the Church of *St. Margaret*, nevertheless, still losing a vast Quantity of Blood.

Being come to the Church Door, she redoubled her Prayers, and beseeched God with new Fervour, that she might not enter into the Holy Place, without being perfectly healed: When in the very Instant that she set her Foot in the Temple of the Lord, she perceived, as the Woman troubled with the Issue of Blood in the Gospel, the Spring of the Blood she lost, dried up. Sometimes she
stood

stood, and sometimes kneeled, during Tierce-Time and High-Mass, which lasted an Hour and a half, without having any Help, either to kneel down or rise up. In Sexte-Time she went into the Choir, and remained some Time upon her Knees before the Host. When she departed from thence, she was no more incommoded by the Light, which she was not able to bear before. In short, she returned on Foot to her own House, without the least Assistance, accompanied by a great Multitude, who, like People that are Witnesses of the Miracles of Jesus Christ, being seized with Fear and Admiration, glorified God, who vouchsafes to give Men such surprizing Proofs of his Power.

Those who had seen the diseased Person throw herself on the Ground before the Host, and that could not follow her by reason of the Throng of People, so little expected a miraculous Cure, that they let the Arm-Chair, in which they had brought her down, remain some Time at the Door; being perswaded they should carry her up again almost dead; and that the Conveniency which had been necessary to bring her down, would be much more so to help her up to her Chamber.

C

Upon

Upon her Return home, there was a vast Concourse of the Neighbours, and of all those who had been thoroughly sensible of her Distemper. When they saw her go up Stairs, they could not believe their Eyes: Scarce was she set down, but they prayed her to rise, and walk about the Chamber, to convince them of a Cure above the Power of Nature, and which could not come but from God.

The Report of the Miracle, in a short Time, reached the Ears of the new Convert, who had been to see *Mistress de la Fosse* in the Morning, and who had retired into a neighbouring House. She deposes, that being struck with Astonishment and Joy at the News of the Cure of her old Acquaintance, she lost the Power of Speech, and immediately sent her Son, a new Convert also, to the House of the Diseased, to assure herself of the Truth of the Fact.

The Son ran to the House of *Mistress de la Fosse*, whom he met in the Street, returning from Mass. He attests, in his Deposition, that the Sight of this Woman, whom he saw walk freely, after having seen her for so long a Time crawl upon her Hands and Knees, and whom he called the *Creeping-Worm*, touched him so powerfully, that he was not able to speak:

He

He adds, that he was not perswaded of her Cure, till he saw her walk several Turns about her Chamber, and re-conduct him to the Staircase, without any Body to help her.

When he had given his Mother an Account, she came herself to see, with her own Eyes, the Marvails of God. The sick Person gave her such clear and convincing Proofs of her Cure, that the Mother has acknowledged and declared, as well as the Son, that it was a *marvellous Effect of the Almighty Power of God; and that they do not believe there ever was a Miracle more certain than this.* These are the very Expressions of their Deposition, which we here repeat.

May God vouchsafe to enlighten those two new Converts: If they have had the great Faith to communicate at Sight of a Miracle wrought by the holy Eucharist, which it was their Business to dispute, may Jesus Christ, whom they have begun to glorify, finish the Dissipation of their Darkness, and convince them that he is really present, and will be adored in a Sacrament, by which he works these Prodigies.

To these two Testimonies so edifying, and which cannot be suspected of Deceit, we cannot chuse but add a third, of a Surgeon, which Art, and the Knowledge

he had of the Diseased, tender still of greater Weight.

Mr. Proubet, the Surgeon, attended Mistress de la Fosse for fifteen Years, and knew her Infirmary had reduced her so low, that she had not Strength to walk. He avers, in his Deposition, that, upon the first News of her Cure, he could not believe it, and said, if she walked, it *must be the Effect of a surprizing Miracle.*

To satisfy himself of the Fact, he went the same Day to the House of the Diseased: As soon as she saw him, she raised herself up, and went to meet him, saying, that *a greater Physician than him had cured her.* He was struck speechless by what had happened; and no longer doubted of her Cure, when he saw her follow him down Stairs, and re-conduct him to the Door; her Legs being as firm under her, as if she had always been in perfect Health.

In order to give you, my beloved Brethren, an exact Notion of the Testimonies contained in the Information, almost all the Witnesses our Commissary has heard have been acquainted for a long Time with Mistress de la Fosse, and know the great Weakness which her Infirmary had reduced her to. They all signify their Astonishment at a Cure so quick and perfect, and bear Witness of

of the Virtue, Candor, and Uprightness of the Diseased.

Her Kinsfolks, that saw her often, her Neighbours, who did her the Offices that Christian Charity exacts, and who came to comfort her in her Sufferings, several others, dispersed in different Parts of *Paris*, who knew her upon Occasion of her Husband's Business and Dealings, have deposed, that they have sometimes found her bathed in her Blood, unable to walk, her Sight so weak, that she could not distinguish those that came to see her, nor could she call them to mind, but by the Sound of their Voice: That she was generally without Appetite, and could not receive Nourishment without great Pain; so lean and fallen away, that they looked upon her as one past Hopes of Recovery, and that the Physicians ceased to visit her, as judging her Distemper incurable. These very Witnesses admire how, in an Instant, she was delivered from such considerable and inveterate Evils; how her Spirits were restored to such a Degree, as to be able to walk on Foot from one End of *Paris* to the other. They all praise, they all glorify God for the Health granted to this distempered Person, whose Infirmary they judged incurable.

The

The Husband, transported with Joy, Admiration, and Acknowledgment for the miraculous Cure of his Wife, was seized with a Trembling all over his Body, which continued many Days; and this Trembling was so violent when the Information was made, that he could not sign his Deposition.

Among the Concourse of People, of all Conditions, Nations, and Religions, whom the Noise of this Miracle brought to the House of *Mistress de la Fosse*, all those who have well considered, and are most exactly informed of the Circumstances of the Fact, are returned from thence, as well convinced of the Cure, as edified by the simple Faith and Sincerity of the Person healed.

We should add, for your Edification, that God has not permitted that the least Appearance of Interest should give room to suspect Art or Industry in that which has come to pass.

A great Princess, whose Faith and Piety rendered her attentive to this Miracle, believing the Person healed to be in want, offered to succour her; but although it was scarce excusable to refuse a Present from so eminent an Hand, *Mistress de la Fosse*, content with her Condition, did not stick to answer, that she wanted for nothing, that she esteemed her self

self too happy in recovering her Health, and that the same God who had assisted her during her Illness, would not let her want now he had healed her. Other Persons, of the greatest Distinction, did all they could to make her accept some succour, which she generously and firmly refused. In short, a Person well known in the World, upon whom the Miracle had made a lively Impression, being moved by Charity, pressed her Husband to accept some Money: *Maître de la Fesse*, full of Acknowledgment for the surprising Grace done his Wife, confidently answered, that it should not be said he had sold the Gifts of God. Thus it is, that in an Age wherein all Things are called in question, God has been pleased that all Things should concur to set so certain a Miracle in the plainest Light.

But of what Service is it to us to be Spectators and Witnesses of such a Prodigy, if we do not draw from thence the Fruits for which it has been granted us.

When God works Miracles, *S. August. de utilit. cred. c. 16.* says *St. Augustine*, he not only designs to attract our Admiration by the Wonders he presents to us, but intends, at the same time, to excite our Love by the Benefit they bring along with them.

More-

5. August. Moreover let us call to mind,
 tr. 17. in according to a Remark of the
 Joan. serm. same Father, that in the Pro-
 97. tom. 5. digies which God brings to
 n. edit. pass, he has it more in view,
 to enlighten and sanctify the Soul; than
 to heal and comfort the Body; that the
 Triumph of Truth and Faith is more the
 Design and End of Miracles, than the par-
 ticular Benefit of those they are grant-
 ed to.

In the miraculous Fact we now speak
 of, God has recompenced the Faith,
 Piety, and Patience of the Diseased,
 which were proved for so many Years;
 but, at the same Time, in these Days of
 Licentiousness and Corruption, wherein
 Irreligion makes so great a Progress, God
 has been pleased to confound the Incre-
 dulous, and give (for the Consolation of
 the Faithful, and for the entire Convic-
 tion of our converted Brethren) a sen-
 sible and clear Proof of those great Truths,
 which the former are so happy to believe
 with a firm Faith, and of which the Lat-
 ter have so much Pain to perswade them-
 selves.

We believe, because Christ Jesus has
 said it, the Apostles and their Successors
 have always taught it, and Christians have
 believed it in all Times, that our divine
 Saviour is really present in the Eucharist
 under

under the Shape or Appearance of the Bread and Wine.

By the Tenor of the Catholick Doctrine, conformable to the Church in all Ages, we render a true Adoration, and the Worship due to God, to Jesus Christ, present in the Sacrament of the Altar; an Homage we owe to God-Man, wherever he is present: We adore him in the Mystery of the Eucharist, as the Angels, according to God's ^{Ad Heb.} Command, adored him at the ^{c. i. v. 6.} Instant he came into the World, as the Wise Men did soon after his Nativity, and the Apostles after his Resurrection.

In short, we believe with the Catholick Church, that there is nothing but what is holy, and conformable to the Spirit of Religion, in the Custom established for thirteen Centuries, to consecrate one Festival in the Year, wherein Jesus Christ is exposed to the publick Worship of the Faithful in the Sacrament of the Eucharist, and carried in Procession through the Streets: A religious Spectacle, says the Council of Trent, which the Church has judged proper to excite the Faith and Acknowledgment of Christians for a Mystery that sets before our Eyes the Death, the Victories, and Triumph of Jesus Christ: A proper Spectacle also to make Truth gain the Victory

Conc. Victory over Falshood and He-
 Trident. refy, and which the Church pre-
 Sess. 13. sents to Hereticks in all its
 De Euch. Pomp and Splendor; more with
 c. 5. a Design to convert, than con-
 found them.

Our dissenting Brethren, far from these religious Sentiments, being seduced by the Errors of *Calvin*, contrary to the clear and exprefs Word of Jesus Christ himself, contrary to the Belief and Practice of all Christian Churches, in all Ages, contrary to the Testimony and Consent of all the Communion separated from the *Roman Church* for so many Ages, refuse to believe the Doctrine of the real Presence of Jesus Christ in the Eucharist. They condemn the Adoration we render to the Son of God in this solemn Mystery, as an Act of Idolatry: The Veneration we testify for the holy Eucharist in the solemn Procession established in its Honour, appears to them an abusive and superstitious Worship.

Three Truths that God has been pleased to demonstrate in a visible Manner; three Errors in Opposition to the Doctrine and Worship of the Church, which God has vouchsafed to destroy by the Miracle wrought before our Faces.

This Christian Woman, whom the Lord has healed, has herself declared to
 many

many Protestants, that the Hand of God conducted them to her to be Witnesses of her Cure: She has told them, it was Jesus Christ present in the Holy Sacrament of the Altar, who was the Object of her Adoration and Worship; that it was of Jesus Christ, concealed under the sacred Mysteries, exposed in solemn Procession to the Veneration of the Faithful, she intreated her Cure, with Sentiments of Faith which he was pleased to strengthen.

If the Belief of the real Presence of Jesus Christ in the Eucharist, be an Error; if the Adoration of our Saviour in this Sacrament, be an Act of Idolatry; if the Procession instituted to the Honour of this Mystery of our Faith, be a criminal Superstition, as the Protestants are bold to say, God himself, by a Miracle wrought with these Circumstances, must seduce us, by authorizing and confirming the Error, Superstition, and Idolatry; a Blasphemy equally contrary to the Truth of God, to his Wisdom and Goodness, and all the Qualities of his divine Attributes.

May the many Protestants, whom God has permitted to be Witnesses of the Infirmities of the Diseased, and of her miraculous Cure; may those among them, who have the Sincerity and good Faith to at-
test

test the Truth of the Miracle; may the many others, who cannot doubt of it, receive the Benefit of this singular Grace God has granted them to enlighten and dispel their Darkness; may the Circumstances of this Prodigy render them attentive to so many glaring Proofs of the real Presence drawn from Scripture and Tradition, which have not been able to convince them till this present; and may they acknowledge, with us, that Jesus Christ is really present upon our Altars, that he will be there adored, and that he approves the Homage and publick Worship we offer him in the Sacrament of the Eucharist.

May the Faithful for ever bless Almighty God, wonderful in his Works, and whose Mercies are infinite; who, by the same Prodigy that confirms our wavering Brethren, strengthens our languishing Faith, and fills us with ardent Affection for this heavenly Manna; for which so many Christians shew an Indifference and Dislike.

The more this Miracle is important to Religion, the more we thought it convenient to unfold the Truth, and preserve the Memory of it. Can we lay down for ourselves a better Model than the Rules *St. Augustine* observed to make a just Distinction between true and false Miracles?

This

This is the Order that Saint established in his Church, which was followed by many other Churches in *Africa*, to make known the many Prodigies which God wrought in his Time. They writ a History of the Miracle, which those who had been healed or delivered presented to the Bishop; to the end he might prove the Truth of the Fact, and inform himself of the Nature of the Disease, and of the Certainty of the Cure, of the Behaviour and Uprightness of the Persons, in favour of whom the Prodigy was effected.

After this Trial, they further addressed themselves to the Bishop, to obtain Permission to read the Relation of the Miracle in the Church. If the Bishop judged it proper, it was read before all the People, in Presence of those whom God had miraculously healed, who themselves attested the Truth of the Facts related. The Bishop joined an Exhortation to this edifying Spectacle, which the People often interrupted with their Tears, with their Acclamations of Joy, and Deeds of Grace.

After those great Examples, we have not allowed that the new Miracle should be mentioned in the Church, till the

S. Aug.
l. de Civ.
Dei, c. 22.
n. 2, 20.
& 21.
Idem
rom. 5.
serm. 320,
321, 322,
323, 324.

Truth of the Fact was made clear by a lawful Examination, deposed in our Secretary's Office, where those that please may read it. They will there find that threescore credible Witnesses concur to establish these three Points. *First*, That the Distemper of *Mistress de la Fosse* was as dangerous, and of as long standing as we have described. *Secondly*, That the Cure was no less effectual. *Thirdly*, That this entire and total Cure, after so long an Illness, was wrought in an Instant, without the Assistance of any Remedy, by the Strength alone of the Faith and Piety of the Diseased. These are the Testimonies that give us Ground to pronounce this Cure supernatural and miraculous, and publish it as such through our Diocese.

Will the Incredulous say, that there sometimes happen Revolutions in Nature, that in an Instant restore Health to those who were infirm and distempered for a long Time? Whatever unknown Resources they may suppose in Nature, whatever Causes that can produce unforeseen Accidents, or Remedies given in the Nick of Time, yet Strength, that is a long Time decayed, cannot be restored all at once: There remains in sick Persons, cured by the Help of Art, or Strength of Nature, Marks of Weakness, and Foot-
steps

steps of the past Disease, which do not wear out but by Process of Time; there is none but the Sovereign Physician, the Master of Nature, that can in a Moment cure the extreme Weakness of so many Years standing.

What Room then can there be for Incredulity, when the Testimonies are so unquestionable, and the Fact so manifest?

But since we happen to treat of a Miracle, the Principles of Reason agree with those of Faith to make us reject two unpardonable Extremes, Excess of Distrust, and Excess of Credulity.

The Excess of Distrust carries pretended strong Spirits to deny all Miracles, under pretence that true Miracles are uncommon at this Time of Day, and that, on some Occasions, we are indebted to false ones: The Excess of Credulity carries some weak Souls to believe all are Miracles, without Trial or Examination, under pretence that they are of Service to Piety, and that God can at all Times bring them to pass.

The Former believe they make good use of their Reason, in rejecting all that appears marvellous and surprising.

The Latter imagine they honour God, and do an Act of Piety, in admitting without Examination all Things that

prove the Greatness and Power of the supreme Being : Both Parties go out of the Way of Truth, though by different Paths.

The most miraculous Accidents have nothing impossible in themselves, since every Thing is possible with God ; he has signalized his Power, in the old and new Testament, by manifest Prodigies, the Truth of which cannot be contested, without standing against the Light of Faith and Reason ; thus in supernatural and surprising Accidents, as well as in ordinary ones, we should judge of the Truth or Falsity of the Miracle, according to the Character of those that attest it.

If we cannot then approve the Credulity of some simple Souls, who upon uncertain Reports and light Testimonies, publish all Sorts of Miracles ; let us condemn more the obstinate Resistance of those Men of little Faith who would call in question Miracles that have been seen, approved, and certified by eminent Bishops, Enemies to Illusion and Imposture, such as *St. Cyprian, St. Ambrose and St. Augustine*, and many other reverend Writers, who give us an Account of Prodigies they have been Witnesses to.

What is there incredible in it, that God should at this Time of Day do in our Favour, that which he has done so often in Favour of our Fathers ; that he should
work

work Prodigies before our Eyes, by the holy Eucharist, as he has done in all Ages by the same Sacrament?

Miracles, 'tis true, are not at all necessary to establish the Belief of the real Presence of Jesus Christ in the Eucharist; the Obligation we are under to adore him in this Sacrament being supported by many other solid Proofs. The Authority of God himself who has revealed those Doctrines to us, in the holy Scriptures; Tradition which has inculcated them; the Decisions of the Church which propose them to us as Objects of our Faith, are sufficient to subdue our Understanding, and make us believe with Submission what our feeble Reason cannot comprehend: But God, who leaves nothing undone for the Good of Mankind, has been pleased in all Ages to give sensible Proofs of the Mystery of the Eucharist which he requires us to believe; by this Method to convince the Incredulous who have the Hardiness to attack it, to correct wicked Christians who abuse it, to fortifie weak Souls who might be tempted to distrust it; in a Word, to comfort and strengthen more and more the true Believer who reveres the holy Eucharist, as the Object of his Worship, the Motive of his Acknowledgment, and the Spring of all Holiness.

Thus, in *St. Paul's Time*, unworthy Communicants were become so numerous, whether by the Negligence and little Faith of those that did not examine themselves before they eat and drank the Body and Blood of Jesus Christ, as the Apostle speaks, or whether by the Irreligion and Hypocrisy of some wicked Christians, who partook, at the same Time, of the Table of our Lord, and that of Devils. God taught us, by sensible and miraculous Chastenings, to fear sacrilegious Communicants: 'Tis for this Cause, says *St. Paul* to the *Corinthians* *, that many are weak and sickly among you, and many sleep.

There were the same Abuses, the same Sacrileges in the third Century on the Side of a great Number of Christians, whom the Persecution had overthrown; the same remarkable Punishments on the Side of God.

If the Incredulous, says *St. Cyprian* †, are not touched with the Threatnings of the World to come, which we cannot comprehend but by Faith, let them at least dread the sensible Chastenings that God presents to make them stand in Awe. This

* 1. ad Corinth. c. xi. v. 28. & 29. Ideo inter vos multi infirmi & imbecilles, & dormiunt multi.

† S. Cypr. de Lapsis. Si incredulis minor fides est futurorum, vel presentibus terreantur.

This Saint relates no Facts to his People but what he had been Eye-Witness of, and which the Faithful of Carthage had seen as well as him. Firm and publick Facts by which Jesus Christ made appear his Majesty and Power in the Eucharist, says the Holy Martyr, in not permitting his Body and Blood to remain in Mouths and Hearts profaned by partaking in the Sacrifices of Devils*.

A Woman, says St. Cyprian, after having sacrificed to Idols, approached unobserved to the holy Table; but as soon as she had communicated, she was thrown upon the Ground, with Tremblings and Agitations, as if she had taken Poison. God would not permit, says the holy Bishop of Carthage, that her Crime should go unpunished: She had deceived Men, but experienced the Indignation of an avenging God, whom she could not deceive†. Anot

* S. Cypr. De Lapsis. In corpore atque ore violato Eucharistia permanere non potuit. Sanctificatus in Sanguine Domini potus de pollutis visceribus erupit. Tanta est Potestas Domini, tanta Majestas.

† Idem de Lapsis. Sacrificantibus nobis latenter obrepit, non cibum sed gladium sibi fumens, & velut venena quedam lethalia, inter fauces & pectus admittens, angere & anima exestuante concludi postmodum coepit, & pressuram non jam persecutionis, sed delicti sui passa, palpitans & tremens concidit. Impunitum diu non fuit, nec occultum dissimulata conscientiae crimen, quae fecellerat hominem, Deum sensit ultorem.

Another, says St. Cyprian, trying, with impure Hands, to open the Box wherein the Eucharist was enclosed, (it being permitted at that Time to the Faithful, to carry it home,) there issued forth a Fire that terrified her from touching it *.

In short, a Christian, who had fallen into Idolatry, rashly attempted to partake of the Sacrifice of Jesus Christ, which they were celebrating; but he could neither touch nor eat the Body of Jesus Christ: Having opened his Hands, (in which, according to the Custom of those Times, he had received the holy Eucharist,) he found nothing there but Ashes †.

We read in Ecclesiastical History, Examples of a like Nature.

Sozom. Sozomon reports, that in the
Hist. Ec- fifth Century, the Body of our
clesiast. Lord, by a sensible Miracle,
l. 8. c. 5. was turned into Stone in the
Mouth of a Macedonian Woman, who ap-
proached the Eucharist out of Hypocrisy:
And.

* S. Cypr. de Lapsis. Cum quædam arcam suam, in qua Domini sanctum fuit, manibus indignis tentasset aperire, igne inde surgente deterrita est, ne auderet attingere.

† Id. de Laps. Alius quia & ipse maculatus, sacrificio à sacerdote celebrato, partem cum cæteris ausus est latenter accipere, sanctum Domini edere & contrectare non potuit: cinerem ferre se apertis manibus invenit.

And the Historian observes, that the Stone was preserved to his Time in the Church of *Constantinople*, as a Monument of the Miracle.

After having set forth those Examples of the Wrath of Heaven, *St. Cyprian* adds *, *How many Christians, guilty of the same Sins, of which they had not repented, are delivered over in a sensible Manner to Satan, and subjected to his Empire? How many others that fall into a State of Madness and Folly; and the Faithful are Witnesses of it?*

If the Incredulous should call in question the Facts attested by *St. Cyprian*, let him read the Works of this holy Bishop, let him study his Character, let him be satisfied in himself of his Learning, his Virtue, and Sincerity, and all his Doubts will be dissipated by such a Testimony.

But on how many Occasions has the same God, who has rendered himself terrible to wicked Christians by sensible Vengeances against sacrilegious Communicants, signalized his Mercies and Benefits by Miracles, agreeable to the Faith of certain Souls thoroughly filled

* *S. Cypr. de laps. Quam multi quotidie penitentiam non agentes, nec delicti sui conscientiam confitentes, immundis spiritibus adimplentur; quam multi usque ad insaniam excordes, demencia furore quatuntur.*

led with holy Respect for the Eucharist.

We find one of this Nature in the fourth Century ; but who is this Prodigy reported by ? By a Saint equally distinguished, as well for the Capacity, the Uprightness and Justice he made appear in the great Employ he exercised in his Time, as for the Zeal he acquitted himself with in the Functions of the Ecclesiastical Ministry : By an Apostolical Man, revered by all the Faithful, respected by the Emperor *Theodosius*, and dreaded even by Heretick Princes : By a Bishop, for whom St. *Augustine*, before his Conversion to the Church, conceived so much Veneration, and whom he always respected as his Father and Master in his Episcopacy : By St. *Ambrose*, whose very Name silences all that Incredulity can object. See here the Miracle, just as it is related, and as certified by this holy Doctor *.

St.

* S. Ambros. de excessu fr. Satyri. n. 43. & seq. Non mortem metuens, sed ne vacuus Mysterii exiret à vita ; quos initiatos esse cognoverat, ab his divinum illud fidelium sacramentum poposcit : non ut curiosos oculos inferret arcanis, sed ut fidei suæ consequeretur auxilium. Etenim ligari fecit in orario, & orarium involvit collo, atque ita se dejecit in mare, non requirens de navis compage

St. Ambrose's Brother, still a Catechumen, in the Midst of a Shipwreck, did not so much fear Death in itself, as to die without partaking of the holy Mysteries. In this Extremity (it being the Custom to carry the holy Sacrament in Travels) he requested the holy Sacrament, of those in the same Vessel, that were initiated in the Sacred Mysteries. He requested it, says St. Ambrose, not to contemplate by a criminal Curiosity, the Mysteries he was not as yet permitted to see; but to find in the Eucharist the Assistance his Faith made him desire. They had no sooner delivered him the Eucharist, but he wrapped it in his Handkerchief, and tied it about his Neck, and content to be fenced with the Buckler of Faith, full of Confidence in the holy Armour he was fortified with, without seeking for other Help, he threw himself into the Sea. He was not deceived in his

compage resolutam tabulam, cui supernatans juvaretur, quoniam fidei solius arma quæsierat. Itaque his se tectum atque munitum satis credens, alia auxilia non desideravit . . . Nec deseruit spes, nec fefellit opinio. Denique ubi cæteros, vel liberavit, vel liberatos comperit, negligens facultatum, nec amissa desiderans, Dei Ecclesiam requisiivit, ut ageret gratias liberatus, & Mysteriorum æterna cognosceret. — Qui tantum Mysteriorum Coelestis involuti in orario præsidium fuisset expertus, quantum arbitrabatur si ore sumeret, & toto pectoris hauriret arcano? quam majus putabat fufum in viscera, quod tantum sibi tectum orario profuisset?

his Expectation; for being escaped from the Shipwreck, and regardless of all he had lost in the Vessel, he had no other Uneasiness but to contribute to save those who run the same Danger; and when he understood they were in Safety, he had no other Thoughts but to go to Church, to render Thanks to God for so miraculous a Deliverance; no other Uneasiness but to be acquainted with the holy Mysteries: For after he had experienced so powerful a Protection in the heavenly Eucharist, that he carried about him, what Succour and Advantage might he not expect from the same Sacrament, when he should receive it into his Mouth and Heart?

Let our departed Brethren themselves judge, by the Account of St. Ambrose, his Thoughts upon the Eucharist. Do not all those Expressions prove the Doctrine of the real Presence that we profess? The Custom of carrying the holy Eucharist in Travels, the Confidence in this Sacrament with which Satyrus was animated, the happy Effect he found in it, his Desire and Impatience to receive the Body of our Lord in his Mouth and in his Body; are not all those Circumstances so many Proofs of this same Doctrine?

S. Aug. 1. 22. de Civ. Dei c. 8. St. Augustine witnesses, that the Sacrifice of the Body of Jesus Christ offered in an House of his Diocese, by a Priest of Hippone, produced a miraculous Effect there.

In the sixth Century, in Sight of the Capital of the *East*, God was pleased to enlighten the *Jews* by an effulgent Miracle.

'Twas an old Custom of the Church of *Constantinople*, when there remained small Pieces of the Body of Jesus Christ, to give them to such Children to eat as they believed to be of innocent and pure Lives. In the Time of the Patriarch *Mennas*, the Son of a *Jew*, a Glass-Maker by Profession, mixed himself with the Number of those to whom these precious Remains were given, and the Child told his Father what had passed.

Evagr.
hisor. l. 4.
c. 36.

The *Jew*, in a Fury, threw the Child, who had partook of the Sacrifice of Christians, into his Oven; but the Child, defended by the holy Eucharist, was preserved from the Fire by a Miracle, like that which God wrought in Favour of the Three Children whom he delivered from the Furnace; and three Days after, his Mother, who believed him dead, found him in perfect Health, in the very Place where he should have been consumed. The Fact being reported to the Emperor *Justinian*, he proposed to the Father and Mother of the Child to receive Baptism: The Mother consented to it; and the Father having refused, the Emperor sen-

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tenced

condemned him to be crucified, as a Murderer of his own Son.

In the Time of the same
Sancti Emperor, Pope *Agapetus* being
Gregor. then in *Greece*, they brought unto
Dialog. him a Man blind and lame.
Lect. 63. The holy Pontiff offered Sa-
crifice to Almighty God; and going from
the Altar, laid hold on the Diseased, and
set him upright on his Feet, in the Presence
of all the People; afterwards putting the
Body of our Lord in his Mouth, his
Tongue, which had been tied so long a
Time, was immediately loosed. Thus
God, by this Miracle, inspired a holy
Veneration for the Sacrifice of the Altar,
and taught the *East* to reverence the
Apostolick See, and the Successor of
St. Peter.

We should never come to a Conclusion,
if we were to recite all the Prodigies
that the Body of Jesus Christ, present
in the Eucharist, has wrought from Age
to Age.

In the ninth Century, some rash Spi-
rits, having a Mind, by a criminal Cu-
riosity, to dive into the Nature of a
Mystery which the Faithful, from the
Time of the Apostles, always believed
and adored with a Faith as simple as firm,
they began to propose Doubts, and raise
Difficulties upon the Manner in which
Jesus

Jesus Christ was present in the Eucharist.

Paschasius Radbertus, Abbot of *Corky*, venerable for his Learning and Piety, and whose Works shew the Character of a Mind both solid and clear, observes in his Treatise of the Body and Blood of our Lord, that in his Time God, to recompense the Fervour and ardent Love of certain among the Faithful, to confirm the wavering Faith of those who had Scruples, and to confound the Incredulous, manifested by sensible Apparitions that which was hid in the Mystery of the Altar; and that Jesus Christ vouchsafed to shew himself in the Midst of the Sacrifice under the Form of an Infant, which the Priest, who offered the holy Mysteries, had the Comfort to see and hold in his Arms, after the Example of the holy antient *Simon*.

Paschas.
Radbertus de Corp. &c Sanguine Domini, c. 14.

In short, since the Time that *Berengerius*, in the eleventh Century, had the boldness to dispute the Doctrine of the real Presence in the Eucharist, God has justified the Catholick Truth, and refuted the Error by sundry Miracles, of which we may see Proofs in the Writings of many grave Divines: We shall here relate but one of those Prodiges.

While St. Bernard was at Milan, a Woman possessed with the Devil for many Years, had Recourse to this Servant of God.

Vit. S.
Bernardi.
l. 2. c. 3.

St. Bernard performed the Mass in the great Church of St. Ambrose. During the Celebration of the holy Mysteries, after the Consecration and Rehearsing the Lord's Prayer, having put the Body of Jesus Christ upon the Patten, he set it on the Head of the Possessed, addressing these Words to the Devil. *Behold thy Judge and thy Sovereign Master, resist if thou canst: Behold him, who being ready to suffer for us, declared that the Prince of this World should be driven out. This Body here present is the same which was born of the holy Virgin, extended upon the Cross, shut up in the Grave; which was raised from the Dead, and ascended into Heaven. It is in the Name of the same Body that I command thee to depart from that of the Woman, never more to approach it. The Devil obeyed, and Health and Tranquillity were restored to her that was afflicted and tormented so long a Time.*

After all these Examples so considerable in themselves, and so certain from the Reputation of the Witnesses that relate them, should we think it strange that at this Day wherein the Mystery of the Eucharist is become an Object of Incredulity to Libertines, of Blasphemy to Hereticks, and of Indifference and Prophanation

phanation to wicked Christians; God manifests by Prodigies the Truth of the Catholick Doctrine concerning the Eucharist, attacked on all Sides, and the Sanctity of the Worship we render Jesus Christ in this Sacrament? A Worship despised by Hereticks, and practised by many Catholicks with so much Negligence and Irreligion.

Can we, without Ingratitude, neglect to praise, admire, and publish the Mercies of God, who, by a single Miracle, presented to Men so unworthy of his Grace, has vouchsafed to convince some, enlighten others, revive the departing Faith of many, justify by authentick Proofs all that the Wisdom and Piety of the Church has established to the Honour of Jesus Christ in this solemn Mystery, and inspire us with a holy Respect for the Places where our Saviour is present in the divine Eucharist, with a lively Faith in this Sacrament, and with an ardent Desire to approach it?

If the Jews, that carnal People, testified so much Respect for the Temple of Jerusalem, in which, says St. Augustine *, they had not as yet offered the Body and Blood

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of

* S. Aug. Epist. 29. n. edit. n. 4. Ipsum adhuc carnalem populum Judæorum in illo templo, ubi nondum corpus & sanguis Domini offerebatur.

of our Lord, with what Modesty, Recollection, and Religion should Christians, so enlightened a People, appear in our holy Temples, where the adorable Victim that reconciled us to God upon the Cross, is always sacrificed and offered up upon our Altars, not in a bloody Manner: Where this grand Object of the Worship and Piety of the Faithful is religiously preserved in our Tabernacles; where Jesus Christ present is so often exposed to the publick Veneration of Christians.

In short, with what ardent Desire for the Participation of the holy Mysteries should not we be inflamed, at Sight of the sensible Prodigies, that the Body of Jesus Christ, concealed under the Veil of the Sacrament, invoked with Faith, applied to the Diseased or Possessed, has wrought in all Times, and which it hath now brought to pass before our Faces?

Let us imagine, according to S. Ambr. de excessu fratr. Sacyr. n. 43. St. Ambrose, that if the holy Eucharist, carried about, or only touched by the Faithful, has preserved them from the greatest Evils, and has procured them surprizing Advantages, there is not a Grace or Favour of Heaven that we may not hope for in this Sacrament, when received with holy Dispositions.

May

May the Faithful then approach with as much Fervency as Confidence to the Table our Lord hath prepared for us, according to the Expression of the Holy Ghost, to guard us against the Temptations of the present Life, and to make us triumph over the Enemies of our Peace. What Glory and Consolation is it for us despicable Creatures to become by Communion, the Temple of the holy Spirit, the Dwelling and Habitation of Jesus Christ himself, who unites himself corporally to us in the Eucharist, with no other Design, than to heap his Grace upon our Souls. May Christians, animated with these Sentiments, correct and reform in their Manners all that may be capable to exclude them from partaking of the sacred Mysteries. May Sinners behold with Astonishment the Loss of the Communion of the Body and Blood of Jesus Christ, which they have merited by their Sins: May they dread it as a Prospect and Fore-runner of their eternal Separation from God; and, after the Example of the primitive Christians, may *their most sensible Grief be to see themselves deprived of this heavenly Nourishment.* Unus fit dolor hac esca privari.


For these Reasons, having perused the Petition presented to us by our Vice-Proctor, requesting that we would please to
order

order Informations to be taken concerning the Truth of the Facts contained in the said Petition, with our Decree at the Bottom thereof bearing date the Second of *June* last, impowering and commissioning Mr. *Dorfanne* Priest, Doctor of Divinity of the Faculty of *Paris*, Chantor and Canon of our Church of *Paris*, and our Official in Ordinary, to take Informations accordingly of the Facts, Circumstances and Dependencies, mentioned in the said Petition, and to draw up a verbal Process thereupon; that this being done, and the Whole laid before us, we might ordain as should seem to us most reasonable and fitting: As also, the verbal Process of the Informations taken by our said Commissary on the fourth, sixth, seventh, eighth, tenth, twelfth, thireteenth, fifteenth, seventeenth, nineteenth, twenty sixth and twenty seventh Days of the said Month of *June*: Our Decree of the eighteenth of the said Month of *June*, appointing Messieurs *Affonry*, *Leaulte*, *Gelly*, *Geoffroy*, and *Herment*, chief Professors of the Faculty of Physick in the University of *Paris*, to examine jointly, and the most exactly that could be, the Case of the said *Anne Charlier*, Wife of *Francis de la Fosse*, Cabinet-Maker, and to give their Opinion thereon, in Honour and Conscience, according to the best of their Judgment and Skill,

Skill, and the Rules of their Science; for which Purpose the said verbal Process of the Informations was ordered to be laid before them: And likewise the Report of the said Physicians made in Consequence thereof on the Twenty fifth of the said Month of *June*. All Things then duly considered, by and with the Counsel and Advice of the Doctors of Divinity of the Faculty of *Paris*, and other pious and judicious People, to whom we had communicated the Informations, and the Report of the Physicians aforesaid, having first invoked the holy Name of God, we judge the Cure done at the Procession of the blessed Sacrament in the Parish of *St. Margaret*, on the thirty first of *May* last, upon the Body of *Anne Charlier*, the Wife of *Francis de la Fosse*, Cabinet-Maker, to be extraordinary, supernatural, and miraculous; and accordingly permit it to be published and declared as such throughout our Diocese. And moreover, as it is just we should give God more particular Thanks in the Place, where he was pleased to manifest the Effects of his Power and Goodness, we ordain, that on *Thursday* the twenty third Instant, a solemn Office of the Holy Sacrament shall be performed in the Church of *St. Margaret*: We permit the same to be there exposed all that Day; and after the Benediction with it at Night,

Te

Te Deum shall be sung in Thanksgiving:
 And on the *Sunday* following after *Vespers*,
 the Clergy of the said Church of *St. Mar-*
garet, shall come in solemn Procession to
 our Metropolitan Church, to return Thanks
 there likewise to our Lord, for the Won-
 ders he hath wrought in the said Parish:
 And after having said an Anthem in the
 Chapel of the blessed Virgin, they shall
 also there sing the *Te Deum*. And to the
 end, that the Memory of so great a Bless-
 ing may remain to Posterity, a Monu-
 ment shall be erected in the Church of
St. Margaret, on which shall be insculpted
 an Extract of the Sentence and Orders con-
 tained in this our present Mandate, which
 shall be read at length in all Churches, af-
 ter the Homilies of the parochial Masses on
 the *Sunday* next ensuing the Receipt there-
 of. Given at *Paris* in our Archiepiscopal
 Palace the tenth Day of *August*, 1725.

Signed  L. A. Card. de NOAILLES,
 Archb. of Paris.

And below,

By the Command of his Eminency

CHEVALIER.



A
LETTER

TO THE

Archbishop of *Paris*:

Occasion'd by the foregoing

MANDATE, &c.



UNIVERSITY OF CHICAGO PRESS

LETTER

TO THE

Archbishop of Paris:

Occasioned by the foregoing

MANDATE &c.

UNIVERSITY OF CHICAGO PRESS



To his EMINENCY, the
Cardinal de NOAILLES,
ARCHBISHOP of *Paris*.

My LOR D,



Have, with the greatest Deliberation and Attention, read over your Eminency's MANDATE, concerning the Miracle lately wrought upon Mrs. Anne Charlier, &c. And I readily believe, that such a wonderful and extraordinary Cure was performed, as is mentioned therein, not only from the Attestation of so many credible Witnesses, but more particularly from your Eminency's Confirmation thereof, who, I am perswaded, are a Man of Probity

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and Sanctity, and scorn to impose upon the World. But *your Eminency* will, I hope, pardon, or at least pity my *Incredulity*, if I cannot work up my Faith to so high a Pitch, as to assent that this great and praternatural Cure proceeded from the *real Presence* of the Body of the blessed *Jesus* in the Eucharist. It would be Hypocrisy, and not Faith, to assent to a Thing which I professedly, and from the Bottom of my Heart, do disavow. I make no doubt of the Certainty of the Cure; but that it was done by the Emanation of any Virtue from the *real Body* of Christ, that very Body which, for our Sins, suffered upon the Cross, and which the Church of *Rome* affirms to be present in the blessed Sacrament, I can by no Means allow, because I am obliged, as a Protestant, to deny such *real Presence*, which is repugnant to Sense and Scripture, and which was not established an Article of *Faith*, till the fourth *Lateran* Council; and therefore cannot be said to have had the Sanction of the Church, but from that *Æra*.

If I may judge of *your Eminency's* Intention, in publishing your Mandate, (and, believe me, I judge with Candour
and

and Sincerity,) it is calculated, among many good and honest Views, to confirm those of your own Communion, and to perswade every one, whom the Church of *Rome* endeavours to stigmatize with the Name of *Heretick*, to the Belief of *Transubstantiation*. This is a good and honest View in your *Eminency*, and consonant to your Pastoral Duty; but it would look with a dark Countenance, and be disingenuous in me, or in any other Protestant, to teach a Doctrine which we do not believe to be Orthodox: Nay, by virtue of our Faith, we are indispensibly obliged to use the most nervous Arguments, with which it shall please God to enlighten our Understanding, in order to oppose and refute the Doctrine of a *real Presence*.

I shall only observe upon this Point, at present, that no Man can receive *Transubstantiation*, without utterly renouncing at once his Reason and his Senses too: And who hath not heard of one great * Person, (and we have reason to believe there have been many more of

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his

* *AVERRONES*. Si christiani adorant Deum quem comedunt, sit Anima mea cum Philosophis.

his Mind,) that was struck off from Christianity by this just Prejudice! *If Christians worship the God they eat, let my Soul be with the Philosophers.* If, says the learned Bishop Bull, I can be infallibly certain that my Senses, rightly disposed, and all due Requisites to Sensation supposed, are infallible, and cannot be deceived about their proper Objects [and if I cannot be assured of this, the Apostles had no infallible Assurance of that which was the Foundation of the Christian Faith, the Resurrection of Christ, which was evidenced to them by the Testimony of Sense, and that Testimony pronounced infallible, *Acts i. ver. 3.* * *1 John i. ver. 12.*] then I may be infallibly certain, that the Church of Rome hath erred in her Doctrine of *Transubstantiation*, teaching the Bread and Wine, after the Words of Consecration, to be turned into the very Flesh and Blood of Christ, which yet all my Senses assure me to remain still the same

* *Recita Johannis Testationem. Quod vidimus, inquit, quod audivimus, oculis nostris vidimus, & manus contrectarunt de Sermone Vitæ. Falsa utique Testatio, si oculorum, & Aurium, & Manuum Sensus Natura mentitur. Tertull. lib. de Anim. cap. 17.*

same in Nature and Substance, that is, Bread and Wine.

Since, therefore, *Transubstantiation* is denied by Scripture, that Doctrine can have no other Foundation than the *Infallibility* of the Church, which cannot be proved either from *Holy Scripture*, or *primitive Antiquity*. You ask me how I am persuaded of this? 'Tis only by having examined Scripture and Antiquity, both which I find silent in this Point. At the same Time I own myself to be a Man, which implies a Creature subject to Error: *Et nihil humani a me alienum esse puto*. The best that has been quoted for the one is, our Saviour's Promise of being with his Disciples to the End of the World. And why, say you, should we think he would be with them, but to preserve them from Error? What is chiefly urged from the other, is the Liberty the antient Councils took of making their Definitions Articles of Faith; as that Christ is consubstantial with the Father, &c. To both which I will give as plain and short Answers as I can, *Et valeant quantum valere possint*. As to our Saviour's Promise, which we find recorded in St. Mat. xxviii. 19, 20. Go ye, therefore, and teach all Nations, baptizing them in the Name of the Father, and of the

Son, and of the Holy Ghost, teaching them to observe all Things whatsoever I have commanded you: And lo I am with you always, to the End of the World. All that can be drawn from this Text is, that the Christian Church shall be always existent to the End of the World: Tho' if it were as positive for its Infallibility, as it is for its Existency; yet before it could serve your Cause, you must prove, that by you is meant you, and only you of the Church of Rome. If the Promise here be absolute, every one who has Power to preach and baptize, might claim infallible Assistance by virtue of it; and so every Parish Priest would have as good a Title to *Infallibility* as the Pope and a general Council.

I think the Proof brought from *Antiquity* makes as little to the Purpose, as what was brought from Scripture; for where is the Consequence, that a general Council has explained an Article of Faith, and that this Explanation has been received by the Catholick Church; *ergo*, the Church of Rome is infallible. We receive the Determinations of the Council of Nice, because they are agreeable to Scripture, and to the Sentiments of the *Fathers*, both of the Greek and Latin Church, which

which preceded that general Council. We reject the Determination of the Council of *Ariminum*, because they are contrary to both: So that our receiving them does not depend upon the Opinion of their Infallibility. They never arrogated to themselves this Privilege; for if they had pretended to it, they could not have neglected a Matter of such Importance, as the Foundation of all their Proceedings. Their Silence in this Case is worth a thousand Arguments; for who can think it could be their Interest to have concealed so great a Treasure? I am not ignorant that two of your great Champions, Cardinal *Perron*, and *Peta-vius*, to raise the Authority of general Councils, have aspersed not only the holy Scriptures as incapable, by reason of their Obscurity, to prove the great and necessary Point of our Saviour's Divinity, but have also impeached the Fathers of the three first Centuries as tardy in the same Point, whose Writings, they say, touching this important Article, *Cum orthodoxæ fidei regula minime consentiunt*. Blessed God! that Men should be so fond of human Inventions, as to sacrifice to them those Pillars of our Faith, which are alone proper and able to support it;

It: I mean Scripture and primitive Antiquity.

For these Reasons, which so evidently destroy the Doctrine of *Transubstantiation*, it is impossible that the wonderful Cure of Mrs. *Anne Charlier* could be effected by the *real Presence* of Christ's *natural Body* in the Eucharist: But then your *Eminency* may say, *how, or by what Means* this *Miracle* was performed? To which I answer, that in my humble Opinion, as nothing is impossible to the great God of Heaven and Earth, so that same great and merciful God, observing how strong was the Zeal, how great, how lively was the Woman's Faith, though *erroneously* placed; yet, in tender Regard to her Simplicity, and in Compassion to her Ignorance, (for after the Manner in which she was educated, *so worshipped she the God of her Fathers*;) did hearken to her Prayers, and grant her Petition. This is my humble Opinion, my real Sentiments of the Matter: But, by the by, I beg leave to observe that *Miracles*, when true, are not always the immediate Effect of *divine Power*, and Angels, both *Good* and *Bad*, may do such Things as exceed any natural Power known to us. Your Church abounds with *Miracles*, or, at least, with *Impositions*, which

which pass for *Miracles* among the *Credulous* and *Ignorant*; but I will be bold to say, and I persuade my self your *Eminency* will concur with me, that, when *Miracles* are less visible, Faith has the greater Merit, and consequently the greater Reward.

All that I shall farther add is one Remark upon what your *Eminency* has set forth in the Close of your *Mandate*, wherein you say, that the *adorable Victim* which reconciled us to God upon the Cross, is offered and sacrificed every Day upon our Altars in an unbloody Manner. Now, with Submission to your *Eminency*, I take this to be a Contradiction in *Terminis*; for, whatever is *Sacrificed*, must be attended with *Blood*, otherwise the very Idea we entertain of a Sacrifice, must be erased from our Minds, and we must substitute in its Stead whatever your Church commands us to receive. This I take to be repugnant to Sense and Reason. — But I talk like a *Protestant*.

That Almighty God, who is the Fountain of all Wisdom and Knowledge, may enlighten our Understanding, and bring us into one Faith, teaching us how to worship him in Spirit and in Truth; and that we may be gathered together in
one

one Flock under the great Shepherd and
Bishop of our Souls, Christ Jesus, is the
serving and sincere Prayer of,

May it please your Eminency,

Your Eminency's,

Most Humble

And most Obedient Servant,

MUSEVM
BRITAN
NICVM

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